Also, petition of the Maritime Association of the Port of New York, for Senate bill 5677, improvement in the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPMAN: Petition of Joppa (Ill.) Lodge, No. 2200, of the Modern Brotherhood of America, for the Dodds bill (H. R. 22239); to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of residents of Racine, Wis., asking for enactment of Senate bill 5677, to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON: Petition of Frank T. Clay and others, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DIEKEMA: Petition of Swan A. Miller and others, asking early and favorable action on bill providing for retirement and relief of officers and members of the United States Life-Saving Service (S. 5677); to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: Petition of Merchants' Association of San Francisco, for appropriation to improve Mare Island Navy Yard; to the Committee on Naval Affairs.

By Mr. ESCH: Paper to accompany bill for relief of Jeshuron Bailey; to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: Petition of J. G. Stansfield & Sons, of Mount Carmel, Ill., against legislation for the extension of the parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Henry Longnecker Post, No. 171, Grand Army of the Republic, of Robinson, Ill., for pension bill H. R. 16268; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Ludwig Nelson & Irish, of Sycamore, Ill., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARNER of Texas: Petition of Artisan Camp, No. 2660, Woodmen of the World, of Texas, for the Dodds bill (H. R. 22239); to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of the Grace Evangelical Lutheran Church, of Pittsburg, Pa., favoring House bill 21836, relative to safety of human life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMMOND: Petition of A. C. Albright, for legislation granting old-age pensions; to the Committee on Invalid Pensions.

Also, petition of M. B. Miller and 26 others, of Sioux Valley, Minn., for legislation against dealing in futures; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of E. C. George, T. S. Watson, H. A. McLaughlin, J. V. Grove, and Ebenezer Beauchard; to the Committee on Invalid Pensions.

Also, petition of Rev. Dr. R. Emery Bertham, president of Scio College, for appropriation of $75,000 to enable Commissioner of Education to employ consulting specialist in education work; to the Committee on Appropriations.

By Mr HOWELL of New Jersey: Petition of Woman's Club of Glen Ridge, N. J., for an investigation of facts relative to tuberculosis among farm animals; to the Committee on Agriculture.

Also, petition of Harry Truax, of Long Branch (N. J.) Board of Trade, of New Brunswick, N. J., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of New Jersey Child Labor Committee, of East Orange, N. J., favoring a Federal bureau for children; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. HULL of Iowa: Petition of Meek & Robertson Co. and other citizens of Indianola, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KENDALL: Petition of citizens of Deep River, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Papers to accompany bills for relief of Annie M. Tinsley, Martin C. Gross, Henry Smith, J. W. Flaharty, and Levi R. Samis; to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of citizens of Carthage, Joy, and Alexis, all in the State of Illinois, protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of J. Madison Taylor, of Philadelphia, Pa., for passage of Senate bill 423 and House bill 27068, for Federal children's bureau; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. NEEDHAM: Petition of Chamber of Commerce of San Francisco, Cal., relative to delays in telegraphic matter; to the Committee on Interstate and Foreign Commerce.

Also, petition of convention of California Fruit Growers' Association, asking appropriation to protect fruit of the country from destruction by the Mediterranean fly; to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of W. C. Whitthorn; to the Committee on Pensions.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Flora Annis; to the Committee on Invalid Pensions.

By Mr. SIMS: Paper to accompany bill for relief of Capt. John W. Taylor; to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Manchester (Mich.) Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *December 21, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Secretary read the following:

PRESIDENT PRO TEMPORE,
UNITED STATES SENATE,
Washington, December 21, 1910.

Being temporarily absent from the Senate, I appoint Hon. JOHN KEAN, Senator from New Jersey, to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. Without objection, the Journal stands approved as read.

PROPOSED INCREASES IN FREIGHT RATES.

The PRESIDING OFFICER laid before the Senate a communication from the Interstate Commerce Commission (S. Doc. No. 725), transmitting, in response to a resolution of the 15th instant, copy of the evidence in the investigation of advances in rates by carriers in official classification territory, and also of advances in rates by carriers in Western Trunk Line, Trans-Missouri, and Illinois freight committee territories, which, with the accompanying papers, was referred to the Committee on Interstate Commerce and, with accompanying illustrations, ordered to be printed.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The PRESIDING OFFICER laid before the Senate the twenty-fourth annual report of the Interstate Commerce Commission (H. Doc. No. 1168), which was referred to the Committee on Interstate Commerce and ordered to be printed.

KAW AND OTOE INDIAN ALLOTMENTS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to resolution of June 23, 1910, schedules showing the number of allotments belonging to deceased Indians of the Kaw and Otoe Tribes (S. Doc. No. 722), which, with the accompanying papers, were referred to the Committee on Indian Affairs and ordered to be printed.

SITE FOR DISTRICT OF COLUMBIA REFORMATORY.

The PRESIDING OFFICER laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 17th instant, certain information relative to the selection of a tract of land for a site for the construction of a reformatory for the District of Columbia near Mount Vernon (S. Doc. No. 724), which, with the accompanying paper and illustrations, was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Presiding Officer:

H. R. 29495. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1911, and for other purposes.

S. 9439. An act to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910; and

S. J. Res. 125. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Ohio, Illinois, Iowa, Michigan, Mississippi, Oklahoma, West Virginia, Wisconsin, and Nebraska, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Nebraska, Michigan, New Hampshire, and California, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of the State Board of Medical Examiners of Colorado, praying for the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of sundry citizens of the United States, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors into prohibition territory, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of J. C. Root Camp, No. 12, Woodmen of the World, of Wheeling, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Huntington, W. Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented a petition of T. J. Winn, of Harrisville, N. H., praying that New Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of N. B. Thayer & Co., of East Rochester, N. H., praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented memorials of sundry citizens and business firms of Dover, Antrim, Winchester, and Hanover, all in the State of New Hampshire, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. CLARK of Wyoming. On behalf of the senior Senator from Colorado [Mr. GUGGENHEIM], and at his request in his absence, I present a joint memorial of the legislature of that State, which I ask may be read.

The memorial was read, and referred to the Committee on Pensions, as follows:

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Colorado, ss:

CERTIFICATE.

I, James B. Pearce, secretary of state of the State of Colorado, hereby certify that the annexed is a full, true, and complete transcript of the senate joint memorial, by Senator Burger, which was filed in this office the 2d day of September, A. D. 1910, at 11.52 o'clock a. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 12th day of December, A. D. 1910.

[SEAL.]

JAMES B. PEARCE,
Secretary of State,
By THOMAS F. DILLON, Jr.,
Deputy.

Senate joint memorial by Senator Burger.

To the Honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Seventeenth General Assembly of the State of Colorado, do hereby submit, for your honorable consideration, the following memorial:

Whereas the soldiers who protected our frontier from 1865 to 1883 and rendered such valuable service and endured great hardships, many of them serving the best years of their lives, have been, in our opinion, unjustly neglected by this Government that they so bravely defended upon our frontier, making it possible for the present generation to develop the great resources of this western country; and

Whereas as many of those who participated in the struggle of protecting our families and property have passed away, and the few that yet remain will also cross the great divide to join their comrades on "fame's eternal camping ground," we believe it to be the duty of this Government to care for those remaining and to see to it that none lack the necessaries of life during the few years they will be with us on earth:

Therefore the Seventeenth General Assembly of the State of Colorado respectfully requests the passage of a bill giving to the remainder of the soldiers who served this Government of the United States 90 days or more, in actual service in the Indian wars, from 1865 to 1883, the same pensionable status as the Civil War or Spanish War veterans are so justly receiving at the hands of this Government.

STEPHEN R. FITZGARRALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved, September 2, 1910.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. LODGE presented memorials of the Ropes Drug Co., of Salem; Frederic S. Almy, of West Wrentham; John T. Robinson Co., of Hyde Park; Arthur Kendrick, of Newton; Ladies' Union Charitable Society, of Lawrence; Tremont Worsted Co., of Methuen; George E. Gilcreast Co., of Boston; E. L. Cook, of State Farm; William B. Bangs, of Provincetown; W. H. Emerson, of Boston; J. F. Pope & Son, of Beverly; George St. John Sheffield, of Attleboro; Chester W. Humphrey, of Rochester; Thomas F. McCarthy, of Boston; J. W. Forrester & Co., of Clinton; Lafayette K. Chase, of South Yarmouth; Curtis H. Waterman, of Boston; Williams-Kneeland Co., of South Braintree; Grain Dealers' Mutual Fire Insurance Co., of Boston; the American Baptist Home Mission Society, of Boston; the Fall River Bleachery, of Fall River; Rev. Theodore E. Busfield, D. D., of North Adams; Perley R. Eaton, of Fitchburg; Dr. J. F. Valentine, of Danvers; John F. Low, of Duxbury; the Stoddard Union Co., of Boston; the American Baptist Foreign Mission Society, of Boston; W. L. Coggins, of Rockland; the State National Bank of Boston; E. C. Wixom, of Winchester; the Bay State Trust Co., of Boston; Samuel M. Green, of Springfield; Henry F. Harris, of Worcester; the Boston Lumber Co., of Boston; Fuller & Gray, of Fall River; Lawrence Cooperative Bank, of Lawrence; the Smith Tablet Co., of Holyoke; H. & J. Brewer Co., of Springfield; Spencer Wire Co., of Worcester; the W. H. W. Teele Co., of Boston; H. L. Frost & Co., of Arlington; the Cameron Appliance Co., of Everett; the Arthur A. Williams Shoe Co., of Holliston; the American Mica Co., of Newton Lower Falls; the Lowell Shoe Co., of Lowell; the Multiple Woven Hose & Rubber Co., of Worcester; the H. D. Evans Steel Co., of Boston; the Geo. H. Snow Co., of Brockton; the L. S. Watson Manufacturing Co., of Leicester; Isaac Prouty & Co. (Inc.), of Spencer; the Meisel Press & Manufacturing Co., of Boston; the Bourn-Hadley Co., of Templeton; Houghton & Richards, of Boston; the Merchants' National Bank of Salem; the Stewart-Merrick Co., of Springfield; the Hampden Hotel Co., of Springfield; the Board of Trade of Mansfield; the A. H. Rice Co., of Pittsfield; the Board of Trade of Salem; James M. W. Hall, of Boston; Newell & Knowlton (Inc.), of Peabody; the P. W. Wood Lumber Co., of Worcester; Charles Emerson & Sons, of Haverhill; the Worcester Woolen Mill Co., of Worcester; the Merchants' Supply Co., of Brockton; I. H. Ballou & Co., of Boston; Gray & Davis, of Amesbury; J. E. Warren & Co., of Marlboro; the Belcher & Taylor Agricultural Tool Co., of Chicopee Falls; the Salem Mutual Fire Insurance Co., of Salem; the Fraser Dry Goods Co., of Brockton; Mahoney & Mahoney, of Lawrence; the International Instrument Co., of Cambridge; the Maple Hall Sanitarium, of Worcester; Robert W. Atkinson, of Brookline; W. A. Stevens, of Lynn; the S. & I. Co., of Springfield; Bowen & Fuller, of Leominster; A. C. Titus & Co., of Salem; the Women's Educational & Industrial Co., of Boston; the Newton Ice Co., of Newton Lower Falls; the Boston Credit Men's Association, of Boston; the Charlestown Five Cents Savings Bank, of Charlestown; the National Shawmut Bank, of Boston; the J. C. Rhodes & Co. (Inc.), of New Bedford; the Charles E. Greenman Co., of Haverhill; Frank A. Smith & Son, of North Brookfield; the Townsman, of Wellesley; the Clothiers' Association of Boston; the Pittsfield Spark Coil Co., of Dalton; the W. A. Fuller Lumber Co., of Leominster; the Arthur F. Tyler Co., of Athol; the Worcester Pressed Steel Co., of Worcester; Parker Bros. (Inc.), of Salem; the National Bank Credit Agency, of Boston; Rev. George W. Owen, of West Lynn; Dr. I. J. Clarke, of Haverhill; the G. W. Herrick Shoe Co., of Lynn; Norfolk Royal Arch Chapter, of Hyde Park; the Baker Shoe Co., of Beverly; Prof. J. E. Warren, of Cambridge; Willard B. Jackman, of Marblehead; J. S. Temple, of Reading; Ipswich Mills, by Philip M. Reynolds, treasurer; Arthur C. Perry, of Worcester; Arthur B. Henderson, of Cambridge; Smith, Adams & Gibbs Co., F. E. Whitney, E. E. Wilson Co., Dr. A. C. Daniels, Franklin Shoe Co., Robert W. Neff, Harrison C. Hall, E. D. Hewins, Hutchins & Wheeler, the Macallen Co., J. G. Thorp, Beaudry & Co., Hewes & Potter,

Hazen-Brown Co., F. N. Graves & Co., the Columbia National Life Insurance Co., Dewey, Gould & Co., York & Whitney Co., Alfred E. Copp, Tenney, Morse & Co., Dawe Stoddard Co., Henry G. Bissell & Co., Oliver L. Briggs & Son, Hills & Nichols, Elder & Whitman, Cobb, Bates & Yerxa Co., Scott & Williams, W. E. Gilman & Co., Prof. Norton A. Kent, T. F. Edmonds & Co., Hunt-Spiller Manufacturing Corporation, William Read & Sons, Lockwood, Brackett & Co., Bond & Goodwin, Cyrus Brewer & Co., H. J. Harwood's Sons, Webster-Tapper Co., Hoag & Catheron, Landers Bros. Co., H. Traiser & Co. (Inc.), Henry Martyn Clarke, Hall Lumber Co., Arthur T. Lyman, E. F. Butler & Co., Samuel W. Mendum, Meisel Press & Manufacturing Co., and the Stoddard Union Co., of Boston; the Royal Candy Co., of Springfield; Hatton Bros. & Johnson, of Lynn; sundry citizens of Falmouth, all in the State of Massachusetts, remonstrating against the passage of the so-called Tou Velle bill, to prohibit the printing by the Government of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. FLINT presented a petition of the Sempervirens Club, of California, praying for the enactment of legislation granting certain public lands to the State of California to be added to the California Redwood Park, which was referred to the Committee on Public Lands.

He also presented a petition of the State Fruit Growers' Convention of California, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the State Fruit Growers' Convention of California, praying for the enactment of legislation to prevent the introduction of the Mediterranean fruit fly, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the North, Northeast, and Northwest Improvement Association, of Los Angeles, Cal., praying that an appropriation be made for the erection of a customhouse and appraiser's building in that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the board of directors of the Merchants' Association of San Francisco, Cal., praying that an appropriation be made for the improvement of the harbor at Mare Island Navy Yard, in that State, which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 929, Modern Brotherhood of America, of Oakland, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. YOUNG presented petitions of sundry employees of the Chicago Great Western Railroad Co., residents of Marshalltown and Des Moines, in the State of Iowa, praying for the enactment of legislation authorizing higher rates of transportation for railroads, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Cincinnati, Iowa, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Annett Post, No. 124, Grand Army of the Republic, Department of Iowa, of Spencer, Iowa, remonstrating against the establishment of a Civil War volunteer officers' retired list, which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Fort Madison, Iowa, praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the Society of the United States Military Telegraph Corps, praying for the enactment of legislation granting a military status to the men who enrolled in the United States Military Telegraph Corps, which was referred to the Committee on Military Affairs.

He also presented petitions of Local Lodges No. 262, of Castalia; No. 506, of Sac City; No. 246, of Hartley; No. 97, of Webster City; No. 713, of Harpers Ferry; No. 286, of Marion; No. 177, of Sheldon; No. 59, of Fairfax; and No. 199, of Oelwein, all of the Modern Brotherhood of America; of Local Camp No. 71, of Woodbine, and of Local Camp No. 356, of Glenwood, all of the Woodmen of the World, in the State of Iowa, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. BRANDEGEE presented a petition of Local Camp No. 17, Woodmen of the World, of Bridgeport, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. KEAN presented a petition of the local branch of the New Jersey Child Labor Committee, of East Orange, N. J., praying for the passage of the so-called children's bureau bill, which was referred to the Committee on Education and Labor.

He also presented a petition of J. Eavenson & Sons, of Camden, N. J., praying for the enactment of legislation providing for the establishment of a court of patent appeals, which was referred to the Committee on Patents.

SENATOR FROM ILLINOIS.

Mr. BURROWS. Mr. President, on behalf of the Committee on Privileges and Elections, to which was referred Senate resolution No. 264, directing an investigation into certain charges made against WILLIAM LORIMER, a Senator from the State of Illinois, I submit the following report (No. 942) and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The Senator from Michigan, from the Committee on Privileges and Elections, submits the following report.

Mr. BEVERIDGE. May I make the suggestion to the Senator whether it would not be wise to have merely the conclusions of the report read to the Senate? I merely suggest it for what it may be worth.

Mr. BURROWS. There will be no objection to printing the report in the RECORD.

Mr. BEVERIDGE. Not at all.

Mr. LODGE. I ask that the report be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the report be printed in the RECORD. Is there objection? The Chair hears none.

The report this day submitted by Mr. BURROWS is as follows:

[Senate Report No. 942, Sixty-first Congress, third session.]

The Committee on Privileges and Elections, to whom was referred certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, have had the same under consideration, and submit the following report:

On the 7th day of June, 1910, there was referred to the Committee on Privileges and Elections a memorial signed by one Clifford W. Barnes, as president of the Legislative Voters' League, of Chicago, Ill., alleging in substance that the election of WILLIAM LORIMER, a Senator from the State of Illinois, was secured by bribery. These charges are set forth at length in the proceedings of the Senate for June 7, 1910.

On the 20th day of June, 1910, the Senate adopted a resolution authorizing and directing said committee, or any subcommittee thereof, to investigate said charges. In pursuance of the authority conferred and direction given by the Senate in said resolution, a subcommittee was appointed, consisting of Mr. BURROWS, chairman; Mr. GAMBLE, Mr. HEYBURN, Mr. BULKELEY, Mr. FRAZIER, Mr. PAYNTER, and Mr. JOHNSTON.

It was thought by the subcommittee to be advisable to make this investigation at the city of Chicago, in the State of Illinois. Accordingly the subcommittee met in that city on the 20th of September, 1910, and proceeded to execute the order of the Senate.

A large number of witnesses were examined and all the available information which, in the judgment of the subcommittee, would be of any value in the investigation, was obtained and considered.

It appears from the evidence that Mr. LORIMER was elected a Senator from the State of Illinois on the 26th day of May, 1909, by a joint assembly of the two houses of the general assembly of the State of Illinois, receiving 108 votes out of 202 that were cast for the several candidates for that office, as follows:

Albert J. Hopkins	70
William Lorimer	108
Lawrence B. Stringer	24

VOTES REQUIRED TO ELECT.

The question is raised by counsel whether the language of the statute regulating the election of United States Senators requires that in order to elect a Senator the person elected must receive a majority of the votes of all the members elected to each house of the legislature, or whether it is sufficient if one person receives a majority of all the votes cast in the joint assembly, "a majority of all the members elected to both houses being present and voting." This question seems to have been decided by the Senate in the case of Lapham and Miller (Senate Election Cases, 697). In that case it was held that a majority of a quorum of each house is sufficient to elect, and in that decision the committee concur.

BRIBERY.

In a number of cases that have been before the Senate of the United States it has been held that to invalidate the election of a Senator on account of bribery it must be made to appear either—

(1) That the person elected participated in one or more acts of bribery or attempted bribery, or sanctioned or encouraged the same; or

(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

At what was practically the outset of the investigation, counsel for the Chicago Tribune (who conducted the inquiry against Senator LORIMER) announced that he did not expect to connect Senator LORIMER with any acts of bribery, and upon this point the following took place (Record, p. 66):

"Senator HEYBURN. I would suggest it might be well for you here to state what you expect to prove, in order that we may apply the law as to such proof.

"Mr. AUSTRIAN. I expect to prove——

"Senator BULKELEY. Do you expect to connect Mr. LORIMER with this?

"Mr. AUSTRIAN. No, sir; not in that way at all.

"Judge HANECY. That is, you do not intend to connect Senator LORIMER?

"Mr. AUSTRIAN. I personally do not intend to connect Senator LORIMER. The statement made here by the witnesses that they had some talk with Mr. LORIMER, the committee will please understand, of course, these witnesses, I have never talked with—never talked with but two of the witnesses who will be called upon the witness stand.

"Judge HANECY. You do not claim that any witness will say that he ever talked with Senator LORIMER about money?

"Mr. AUSTRIAN. I know of no one.

"Judge HANECY. You say, in that connection, you said that they would show that they had some conversation with Senator LORIMER?

"Mr. AUSTRIAN. Oh, they had, but what that conversation was I do not know.

"Judge HANECY. But not in relation to the payment of money or any corrupt practice, you do not mean?

"Mr. AUSTRIAN. I should say not."

And that he did not contend that "he (Senator LORIMER) had anything to do with it." (Record, p. 80.)

It will be remembered that on the 28th of May, 1910, shortly after the charges appeared in the public press, Senator LORIMER in the open Senate denied any act of bribery on his part in connection with his election in the most emphatic terms, and demanded an investigation by presenting the following resolution (Cong. Record, vol. 45, pt. 7, p. 7020):

"IN THE SENATE OF THE UNITED STATES,
May 28, 1910.

"Mr. LORIMER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"'*Resolved*, That the Committee on Privileges and Elections be directed to examine the allegations recently made in the public press, charging that bribery and corruption were practiced in the election of WILLIAM LORIMER to a seat in the United States Senate, and to ascertain the facts in connection with these charges, and report as early as possible; and for that purpose the committee shall have authority to send for persons and papers, to employ a stenographer and such other additional help as it shall deem necessary; and the committee is authorized to act through a subcommittee; and its expense shall be paid from the contingent fund of the Senate.'"

It should further be stated that there was no testimony offered during the investigation which would tend in the remotest degree to implicate Senator LORIMER in any personal act of bribery or attempted bribery or corrupt practices of any nature.

It is claimed, however, that several members of the legislature were, in fact, bribed to vote for Mr. LORIMER, and if established it remains to inquire whether a sufficient number of members of the General Assembly of the State of Illinois were bribed to vote for Senator LORIMER to render his election to that office invalid.

It was to this question that the evidence taken on the investigation was chiefly directed and the subcommittee, who made the investigation, not only heard the testimony, but observed the witnesses while on the stand, their demeanor while testifying, their apparent candor or want of candor in giving their testimony, and other indicia of the truth or falsity of the story they were telling.

Four members of the General Assembly which elected Mr. LORIMER testified to receiving money as a consideration for their votes. The members who thus confessed their own infamy were Charles A. White, Michael Link, H. J. C. Beckemeyer, and Daniel W. Holstlaw.

CHARLES A. WHITE.

The chief of these self-accusers and the one on whose testimony the whole fabric of the accusation largely depends was Charles A. White, a member of the lower house of the Illinois General Assembly. White seems to have developed early in his legislative career an insatiable desire to secure a pecuniary compensation for his official acts, and he also appears to have suspected his fellow members of the general assembly of being as corrupt as himself. He endeavored to induce the chairman of an important committee to defer reporting a bill, in order to extort money from those who were interested in its passage. After Mr. LORIMER had been elected to the Senate, White tried to obtain information from another member of the house whether money had not been used to promote Senator LORIMER'S election. This inquiry not only shows his corrupt character, but also casts suspicion upon the truth of his story that he had been bribed to vote for the successful candidate for Senator.

After wasting his salary and other means in riotous living, White appears to have conceived the plan of claiming to have been bribed in connection with the senatorial election as a basis for extorting money from Senator LORIMER. This purpose he reveals to two of his friends and then attempts to put it into execution. In this he signally fails, as appears from the following correspondence:

O'FALLON, ILL., *12-4-09.*

Hon. WM. H. LORIMER,
Washington, D. C.

MY DEAR SIR: I am preparing to place before the people of this country an article I have written giving my true experience as a member of the Illinois Legislature. The article will appear either in book form or will be published in one of the largest magazines in the United States.

I have just completed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth general assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about $2.50 per word.

Believing that you would be more than deeply interested in the works and actions of the members of the last session of the Illinois Legislature, owing to the fact that possibly your experience with that general assembly will be one of the questions freely discussed, and assuring you that I have severed all connections with the party leaders, as I am to be independent in the future in all my political dealings,

I am, respectfully, yours,

CHAS. A. WHITE.

(Record, p. 125.)

To this communication Senator LORIMER replied as follows:

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR SIR: I am in receipt of your letter of December 4 in which you advise me that you have manuscript ready to place with publishers treating of your experience as a member of the Illinois Legislature.

I would be very glad indeed to know of your success as an author.

With kindest personal regards, I am,

Very truly, yours,

WILLIAM LORIMER.

(Record, p. 164.)

Questioned by the committee as to his purpose in writing Senator LORIMER, Mr. White testified:

"Senator PAYNTER. If I understood you, Mr. White, correctly, that you hoped to get a letter from Senator LORIMER that you could use in connection with this publication?—A. Yes, sir.

"Q. Well, by that, I suppose that you expected a letter from Senator LORIMER that might aid to support your charges. Is that the hope you had in the matter?—A. Yes, sir; I had no evidence against Senator LORIMER directly, and had no dealings with him.

"Q. The letter recites in substance—I do not remember the exact language—that you had been made an offer or some inducement had been held out that indicated that the manuscript was worth $2.25 a word—or $2.50 a word, I mean. That is the language of it, 'I have been offered a sum sufficient to value the manuscript at about $2.50 per word.' Suppose that Senator LORIMER had placed the same value upon the manuscript that you did, and had offered you $75,000, would you have taken it?—A. I would have let him have the manuscript.

"Q. For $75,000. Would you have accepted $75,000 if he had offered it to you?—A. I don't think I would; if I had I might have turned it over to somebody else.

"Q. You would have turned the money over to someone else?—A. I might have done that."

(Record, p. 126.)

Thereafter Mr. White attempts to sell his story to eastern publications, and subsequently did contract to sell it to the Chicago Tribune for the sum of $3,500, a part of White's agreement being that he will assist in substantiating the correctness of his story. This agreement was reduced to writing, and is as follows:

[Exhibit 5.]

THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,
Chicago, Ill., April 29, 1910.

To CHARLES A. WHITE:

You offered to sell to us for publication a story written by you, which story gives your experiences while a member of the house of representatives of Illinois during 1909–10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by the Tribune.

For more than four weeks we, with your cooperation, through different agencies, have caused your story to be fully investigated.

For the sole and exclusive right hereby granted by you to the Tribune Co. to publish this story, or a revision thereof or excerpts therefrom in the Chicago Tribune, and copyright it either in your name or in that of the Tribune Co., but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story, and in full payment for all your time, which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Co. hereby agrees to pay you $3,250, of which said sum $1,250 shall be paid upon the printing of the said story or the first installment thereof, $1,000 20 days after said first payment, and $1,000 60 days thereafter.

You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms thereof to the Tribune Co.

J. KEELEY,
Vice President Tribune Co.

CHICAGO, ILL., *April* —, *1910.*

To THE CHICAGO TRIBUNE, AND THE TRIBUNE CO.

GENTLEMEN: I have read the above and foregoing and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

CHAS. A. WHITE.

(Record, p. 104.)

White's account of the alleged bribery of himself is given circumstantially and in detail, but in this he has been shown to have falsified in several important particulars concerning which he could not have been mistaken had his narrative been true. Among other things, he stated that Browne came to his room shortly before the election of Senator LORIMER and that two men named Yarborough were then in the room. But it was proved by two reputable and credible witnesses that on the evening in question one of these men was in Chicago.

Without further reference to the details of White's testimony, it may be said that after seeing, observing, and hearing this witness it was the opinion of a majority of the subcommittee that no credence ought to be given to any part of his testimony tending to establish the fact of bribery. And after carefully reading the testimony given by White in the investigation, a majority of the committee concur in the opinion of the subcommittee in that regard.

MICHAEL LINK.

According to the testimony of this witness, he was paid the sum of $1,000 by Lee O'Neil Browne some time after Mr. LORIMER had been elected to the Senate. He further testified that no money was paid or promised him before he voted for Mr. LORIMER; that he made up his mind as early as in the month of March, 1909, to vote for Mr. LORIMER if an opportunity for so doing should occur, and promised Mr. LORIMER his vote some time in advance of the election of a Senator. When accused of having received money for voting for Mr. LORIMER, he denied it. When summoned before a grand jury, he stated under oath that he had not received any money as a consideration for his vote for Senator. Following this statement he was compelled, by means fully set forth in his testimony, to retract his former statement and testify to having received money for his vote for Mr. LORIMER, as shown by the following:

"Cross-examination by Judge Hanecy:

"Q. You are a farmer, I believe, are you?—A. Yes, sir.

"Q. And have been all your manhood life?—A. All my life; born on a farm.

"Q. You have lived in Madison County for how long?—A. Twenty-three years.

"Q. You live out some distance from——A. (Interrupting.) A mile from Mitchell, a little station.

"Q. When were you first elected to the legislature?—A. In November, 1906.

"Q. Is it not a fact that everybody from the southern part of Illinois, Republicans and Democrats, who desire to meet each other at any place generally go to St. Louis?—A. Yes, sir; from time to time men for years have met members of the legislature there.

"Q. Was it very much easier to go to St. Louis than to any other town that has any hotel accommodations south of the central part of Illinois?—A. Yes, sir.

"Q. It is very much easier to go there than from any other part of southern or central Illinois than it is to go to Chicago, isn't it—very much easier to go to St. Louis?—A. Yes, sir.

"Q. It is practically a uniform practice, is it not?—A. Yes, sir.

"Q. When anybody, for political or other reasons, wants two or three to get together for any purpose, they meet at St. Louis?—A. Yes, sir.

"Q. That has been the case for a great many years?—A. Yes, sir.

"Q. Did Tierney and White talk with you or come down there more than once?—A. Not White; Tierney was there the second time, and I pretty nearly forgot the incident, when I met him somewhere about Mitchell, about the station. I went in for my mail, or, perhaps, to buy something.

"Q. Did he try to get some information from you or try to get some admissions from you?—A. He certainly did.

"Q. Did he tell you that he was a detective connected with the Maguire & White Detective Agency, detectives for the Chicago Tribune?—A. No; he said he represented Gov. Deneen.

"Q. You were then summoned or told to come up here?—A. Yes, sir; by subpœna.

"Q. And you did come up?—A. I certainly came up.

"Q. When you came up where did you go?—A. I went to the Morrison Hotel.

"Q. Then did you go to the State's attorney's office?—A. Yes, sir.

"Q. When you went to the State's attorney's office did you see Mr. Wayman, the State's attorney, or Mr. Arnold, or Mr. Marshall?—A. Mr. Arnold and Mr. Marshall, I think; I did not see Mr. Wayman.

"Q. Which one did you see?—A. I think it was Mr. Marshall, I am not positive; I rather think it was.

"Q. It was one of the assistant State's attorneys?—A. Yes, sir; one of the assistant State's attorneys.

"Q. Tell the conversation, the language used by each as nearly as possible, and if you can not do that, give the substance as nearly as you can.—A. Well, I had a conversation with Mr. Marshall something like this: He says to me, 'If I were you I would not be here telling damned lies before this grand jury; I would tell the truth.' Then I told him he would not tell me that outside very well or we might mix.

"Q. Had you been before the grand jury then?—A. I think I had; yes, sir.

"Q. What I want to do is to commence before—just before you were taken to the grand-jury room, and I would like to have you——A. (Interrupting.) I didn't have any particular conversation to my recollection with any one of the assistant State's attorneys.

"Q. You went there, you don't remember how, and was taken before the grand jury?—A. Yes, sir; when my turn came.

"Q. They asked you there in relation to your voting for Senator LORIMER for United States Senator?—A. I was in the grand-jury room; yes, sir.

"Q. That is what I wanted to know.—A. Yes, sir.

"Q. You were examined by whom?—A. By Mr. Wayman.

"Q. By Mr. Wayman himself?—A. By Mr. Wayman himself; yes, sir.

"Q. What did he ask in relation to that subject? I don't care about anything else.—A. He asked me if I voted for Senator LORIMER, and I told him yes. According to my recollection I told him, 'Certainly, I voted for Senator LORIMER and was proud of it; no excuses to make.'

"Q. What took place then? Did he ask you if you had been paid anything for voting for Senator LORIMER?—A. Yes, sir.

"Q. What did you tell him?—A. I absolutely denied it.

"Q. You didn't tell this to Mr. Wayman individually, but in answering his question to the whole grand jury?—A. Yes, sir.

"Q. All the conversation you had with Mr. Wayman in the grand-jury room was public conversation before the grand jury?—A. That is all at that time. I had some conversation—at that time—yes, sir—at that time.

"Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

"Senator BURROWS. State those you can remember and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

"Judge HANECY. Then did you leave the grand jury room?—A. Yes, sir.

"Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

"Q. Do you remember what day of the week or day of the month that was you first went before the grand jury?—A That was the 5th or 7th of May; it was right along there, the early days of May.

"Q. May of this year?—A. Yes, sir; May of this year.

"Q. When you left the grand-jury room were you put in the custody of an officer?—A. I certainly was.

"Q. Were you indicted at that time or was there any complaint or charge made against you at any place?—A. No, sir.

"Q. Who put you in charge of an officer?—A. Well, I presume Mr. Wayman did. To my knowledge I was in charge directly of an officer.

"Q. Who was the officer?—A. Well, there were two or three different officers.

"Q. The first one?—A. I disremember his name. Mr. O'Keefe was with me most of the time.

"Q. Was it Oake?—A. I think that is his name.

"Q. He was the first officer?—A. Yes, sir.

"Q. He was a police officer, a detective appointed to the State's attorney's office at that time?—A. Yes; I understood so.

"Q. Did he take charge of you at that time?—A. Certainly.

"Q. How long did you remain in his custody?—A. I disremember.

"Q. About?—A. The first night, I think, I went to dinner with him—the first night, I believe; that would be on Wednesday night of the week; and I remained in his custody and he kept his eye on me like I was a criminal. Oake would not allow me to telephone to friends, and was keeping his eye on me, and I was not allowed to discuss any matters at all.

"Q. Was he armed at the time, and did he take out his revolver and his billy and put them on the table in the hotel, so you could see them?—A. He did not, but other detectives did; I suppose he was armed, but I don't know to my knowledge.

"Q. Other officers did?—A. Other officers did.

"Q. Were you continuously in the charge of some officer of the State's attorney's office after that time?—A. I certainly was.

"Q. Up to what time?—A. Until I was permitted to go home on Saturday morning.

"Q. What day?—A. It was the week I was here; I disremember—it was from the 5th, 6th, 7th, 8th, or 9th, or something of that kind, of May.

"Senator BURROWS. It was Saturday morning of that week?—A. Yes, sir.

"Q. You came up here what day of the week?—A. I came here Tuesday evening.

"By Judge HANECY:

"Q. You went before the State's attorney—went before the grand jury Wednesday morning, did you?—A. I believe so.

"Q. When you went back home again, did an officer go with you?—A. Not at that time.

"Did an officer from the State's attorney's office come down and get you afterwards?—A. Yes, sir.

"Q. When, after that Saturday morning that you went home?—A. That was the—well—I wish to correct that. I got a subpœna served to me to go to Springfield on my return home Saturday evening of this week. I went to Springfield from this subpœna and acknowledged it, and a detective went home with me from Springfield and stayed with me.

"Q. That was a subpœna to appear before the grand jury at Springfield?—A. Yes, sir.

"Q. When was that?—A. That was the week following I was here.

"Q. Was it the first of the week or the middle of the week or the last?—A. Well, I think it was on Monday following the Saturday I left Chicago.

"Q. When did you leave Springfield to go home? You got there Monday?—A. That evening.

"Q. Monday evening?—A. Yes, sir.

"Q. Did an officer from the State's attorney's office of Cook County go with you back home from Springfield on Monday evening?—A. Yes, sir.

"Q. Did he take you into custody?—A. Well, I was not arrested.

"Q. Did he stay with you there all the time?—A. He went to my house, but went to St. Louis, I believe, one day while at my house in the country; but he went home with me and stayed with me, but, of course, he went to St. Louis during one day.

"Q. He was with you wherever you went?—A. Yes, sir.

"Senator PAYNTER. Was that officer from Chicago or Springfield?—A. Chicago.

"Senator GAMBLE. How long was he with you?—A. Four days.

"Q. At your home?—A. Until I insisted upon having him called off.

"Q. Did he stay at your home?—A. Yes, sir.

"By Judge HANECY:

"Q. All the time?—A. Yes, sir.

"Q. Except when you went out, and then he went with you?—A. He went to St. Louis during that time by himself.

"Q. How far are you from St. Louis, about?—A. About 15 miles.

"Q. You can go there by electric line?—A. Yes, sir; and get back in two or three hours, at any time.

"Q. Then did another officer—I will withdraw that—did the State's attorney of Sangamon County, Springfield, send any officer with you after you had been examined there before the grand jury?—A. No, sir.

"Q. He never had you in custody?—A. No, sir; they don't use those methods.

"Q. When the officer left Springfield—the officer from the State's attorney's office in Cook County left with you to go to your home from Springfield—did he have any warrant against you?—A. No, sir.

"Senator GAMBLE. Was there any warrant for your arrest?—A. No, sir.

"Senator GAMBLE. Or a subpœna served on you?—A. A subpœna to appear at Springfield.

"By Judge HANECY:

"Q. After you left Springfield and went back home was there any subpœna or warrant against you?—A. No, sir.

"Q. What was that officer's name?—A. That was O'Keefe that called for me.

"Senator JOHNSTON. What did the officer say he accompanied you from Springfield for?—A. He claimed it was for my own protection. I told him positively that I needed no protection; that I could protect myself.

"Q. Did he insist upon staying at your house?—A. He was under orders from a gentleman in Chicago.

"Q. Who was the next officer who had charge of you?—A. Well, I think after that time I was under the direction of O'Keefe until I read what is called the 'riot act' to Wayman.

"Q. When was that?—A. That was about a week before the first Browne trial, when I told Wayman no more detectives for me. 'If you have got a warrant, arrest me; if I am guilty of anything, arrest me; but no more detectives; I shall not submit to detectives any longer.' That was my conversation.

"Q. Did O'Keefe then go to Chicago with you and stay with you at the different hotels or wherever you were kept?—A. He did until a week before the Browne trial; then no more detectives after that for me.

"Q. He did stay here until that time?—A. Yes, sir.

"Q. The first trial of Browne commenced about the 7th to the 10th of June; that is right, isn't it?—A. Yes, sir; I think so.

"Q. Now, after you were before this grand jury, the first grand jury, and told Mr. Wayman, the State's attorney, and the grand jury that you never got any money from anybody, Browne or anybody else, for voting for LORIMER for United States Senator, were you indicted?—A. I was indicted for perjury either the second or third day I was here—I am not positive which—after my denial.

"Q. Was it the second or third day after you first went before the grand jury?—A. It was either the second or third day; I guess the second. I am not positive whether the second or third day.

"Q. You were indicted for perjury?—A. Yes, sir.

"Q. By the same grand jury you had been before?—A. Yes, sir.

"Q. After you were indicted for perjury were you taken by the State's attorney or any of the assistants and talked with about your testimony and about your indictment?—A. I guess I was.

"Q. Now, what was the first thing that was done after you were indicted for perjury by him?—A. They kept flaunting the indictment for perjury against me.

"Q. Doing what?—A. Putting it in front of my face, showing it to me, and speaking to me.

"Senator GAMBLE. Who did that?—A. The assistant State's attorney and the State's attorney himself.

"Q. Tell the names of the assistant State's attorneys.—A. Mr. Marshall.

"Q. Did State's Attorney Wayman do that, too?—A. He didn't throw it in my face; he would show it to me and talk to me about losing my home, putting my home on one side and the penitentiary on the other.

"Q. State to this honorable committee what State's Attorney Wayman told you about the indictment for perjury.—A. He told me if I would go before the grand jury and state that I had received some money from Browne and Robert E. Wilson that I would be cleared and go home a free man. That is what he told me.

"Senator BURROWS. Anything else said?—A. Well, I told him that I had told him all I knew, and he denied that I had. We kept up the conversation, and he said he was a farmer himself in his early days South. I told him I was a farmer, and he told me, he says: 'You come up here'—the conversation drifted along this line—'and let these Chicago lawyers get a hold of you and they will take your farm away from you.' That was the line of talk; and he told me to rest over that night—that was Friday evening—and to come in by 10 o'clock on Saturday morning and make a confession, and he would have the perjury charge expunged from the record, and I would go home a free man. That was the sum and substance of the conversation.

"Q. They had more than an hour to talk to you about that?—A. Yes, sir; something of that kind.

"Q. What time of day was that conversation; what time did it end?—A. It was somewhere between 5.20 and 6.30; it was 6.30 when I left the Criminal Court Building that evening.

"Q. Then were you put in the custody of an officer when you left the State's attorney?—A. Yes, sir.

"Q. Who was that officer?—A. That was Mr. O'Keefe.

"Q. What did he do with you?—A. He took me back to the Morrison Hotel.

"Q. Did he stay there with you?—A. Yes, sir.

"Q. All the time?—A. Yes, sir.

"Q. Was it he that took his revolver billie out and put it on the table in your presence?—A. Yes, sir.

"Q. Did he talk with you about what the State's attorney talked to you about—about your going back and telling what the State's attorney *wanted you to tell*?—A. Yes, sir.

"Q. What did Detective O'Keefe from the State's attorney's office say to you in that respect?—A. He said: 'Link, I would not stand by the other fellows, I would stand by Wayman, he is the man to stand by in this matter; make a confession. I don't like to see you get into trouble and you are going to get into trouble.'

"Q. Mr. Link, how long during this conversation between you and O'Keefe, how long did O'Keefe talk to you?—A. Off and on, but I disremember the number of times; it was not continuous, of course, but off and on during the time he was with me.

"Q. Off and on between the times you and the State's attorney had the talk and he took you back there?—A. Prior to that night, too.

"Q. All the time you were in his custody?—A. Yes, sir.

"Q. Now, did Officer O'Keefe take you back to the State's attorney's office the next morning?—A. Yes, sir.

"Q. That would be Saturday morning?—A. Yes, sir.

"Q. Did you talk with, or did Thomas Maguire, of the Maguire & White Detective Agency, talk with you?—A. Yes, sir; he was present nearly every time I met Wayman, and Wayman and myself were in Wayman's room.

"Q. What did Maguire say to you?—A. He tried to put words in my mouth several times.

"Q. Words about what?—A. He said I should not be friendly to the Browne side, and the LORIMER side, and so forth; 'It doesn't look well, Link; that don't look well.' I told him it was none of his business; I would take up for my friends wherever I saw fit to take them.

"Q. Did Thomas Maguire, the detective, say this to you—that you had better tell what you knew or you would go to the penitentiary; did Maguire say that to you?—A. I rather think one of the assistant State's attorneys told me that; I don't know whether Maguire said that to me or not, but his conversation ran on that line. I think that was Arnold; 20 minues before 5 o'clock that evening of that week.

"Q. What was that conversation you had with Assistant State's Attorney Arnold in which he said that to you?—A. Mr. Arnold came to me and says, 'Link, you have got just 20 minutes to save your life.' I says, 'What do you mean?' He says, 'You have got just 20 minutes to go in and tell all you know to save your life.' I says, 'I have told all I know.' He says, 'All right, Link, it is your funeral; it is not mine.' He goes into the grand-jury room and an indictment was returned that evening. I told him I had told all I knew.

"Senator PAYNTER. An indictment against you?—A. Yes, sir; for perjury.

"Q. Arnold said that you——A. He said I had 20 minutes to save my life.

"Q. That was just before——A. (Interrupting.) Twenty minutes before the grand jury adjourned at 5 o'clock Friday afternoon or evening.

"Q. Were you told that night that you were in the custody of an officer of the State's attorney and that you had been indicted for perjury?—A. Yes, sir.

"Q. Who told you that? Was it a detective or one of the assistant State's attorneys?—A. It was, I think, Mr Wayman himself that told me that.

"Q. Mr. Wayman himself told you that?—A. I think so.

"Q. Did Mr. Arnold say to you in that conversation that you have been referring to, just before you were indicted for perjury, that if you didn't tell what they wanted you to that they would send you to the penitentiary?—A. That it was my funeral; yes, sir.

"Q. Did he use the word 'penitentiary'—that he would send you to the penitentiary?—A. I am not quite certain; I am not positive; but he used that kind of terms to me.

"Q. Did he lay special stress upon the word 'penitentiary' in talking to you?—A. Mr. Wayman laid more stress on that than any of his assistants.

"Q. That is, that he would send you to the penitentiary?—A. He pictured it very, very strenuously between the penitentiary and my home.

"Senator BURROWS. Will you state what he said?—A. He said, 'It will be much better for you to be here with your family than to go to the penitentiary and lose your home.' He pictured what the penitentiary was, and so forth.

"Senator BURROWS. What did he say?—A. That I might lose my home, and he put a great deal of stress on the penitentiary and my home—I being a farmer away from my home and my family.

"Q. Did Mr. Wayman say anything in picturing the penitentiary on one side and your home on the other about your wife?—A. Why, certainly.

"Q. Tell the committee what he said.—A. Well, that I would lose my home, and that meant I would lose my wife, too.

"Q. Did he say what would be done if you would go before the grand jury and tell what he wanted you to?—A. That I could go home a free man and not a perjurer in any manner, shape, or form.

"Senator BURROWS. If what?—A. If I went before the grand jury and made an acknowledgment.

"Senator BURROWS. An acknowledgment of what?—A. If I had received $1,000 from Browne.

"Senator FRAZIER. Was that true that you had received $1,000?—A. I shall not deny it; it is true.

"Q. Did not the State's attorney say to you that if you would go on and say that you had received $1,000 from Browne for voting for WILLIAM LORIMER for United States Senator that you could go home?—A. Yes, sir.

"Q. That was not true?—A. That was not true; no, sir.

"Q. Did Mr. Wayman tell you that you had been indicted and that he would take you before the criminal court for trial on that indictment if you didn't go before the grand jury and tell that body what Mr. Wayman wanted you to tell?—A. Why, certainly; he said I would have to give a bond, and it was a $15,000 bond, and they made it $5,000, I think.

"Q. Did Mr. Wayman tell you what he would do if you would go before the grand jury and tell them what he wanted you to tell them? Did he tell you what he would do with the indictment?—A. Nolle pros it and have it expunged from the record, so in future years it would not be on the record.

"Q. Did you say to Mr. Wayman, 'Well, I will go before the grand jury and lie if I have to; but I don't want to;' did you say that or that in substance?—A. That in substance.

"Q. What did you tell the grand jury, then?—A. I told the grand jury that I had received $1,000 from Browne and that I had received $900 through Robert Wilson; that is what I told the grand jury.

"Q. Did you tell the grand jury that you had received that money or any part of it for voting for Senator LORIMER for United States Senator?—A. Positively no.

"Q. Just before you went before the grand jury that last time, did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to, you would keep out of trouble and keep from disgracing your family?—A. Yes, sir.

"Q. After you went before the grand jury with Mr. Wayman the last time and told the grand jury what Mr. Wayman asked you to, what, if anything, did Mr. Wayman or his office do in relation to the indictment against you for perjury?—A. Well, he took me before Judge McSurely, I think it was, and said: 'Mr. Link has made a clean breast of the whole affair.' I didn't know what he called a 'clean breast,' but those were his words. I denied making a clean breast of anything except the truth.

"Q. Did Mr. Wayman have the indictment against you quashed?—A. Yes, sir.

"Q. He took you before Judge McSurely and asked to have it done, and Judge McSurely did it?—A. Yes, sir.

"Q. Did you still continue in the custody of the officer?—A. No, sir; he allowed me to go home.

"Q. Did he put you in the custody of an officer after that time?—A. Certainly.

"Q. When?—A. The following week.

"Q. That was Saturday that he dismissed the indictment against you?—A. Yes, sir.

"Q. When, the next week, were you put in the custody of another officer?—A. Monday night or Tuesday night—I think it was Monday night—of the following week. A subpœna was served on me to go to Springfield, and immediately on my return home on that Saturday evening—I returned home about 6.30; that is, my home town; I didn't get home quite that early.

"Q. Did that officer or some other officer from the State's attorney's office keep you in custody all the time—until about the time of the first Browne trial?—A. I wrote a letter to Mr. Wayman that I would not submit to it, and told him personally when I came to Chicago no more detectives for me; that I would not play hide and go seek any longer; that I was not a criminal, and that I would not stand for it. I wrote him such a letter from my home, and told him to recall Mr. O'Keefe, which he did.

"Q. When was that?—A. After he was with me; I think about four days there.

"Q. Do you remember what day of the month that was, or what month?—A. No, sir; it was during the month of May.

"Q. When was it with respect to the commencement of the first Browne trial?—A. It was some little time before the commencement of the trial.

"Q. About how long?—A. About three or four weeks; perhaps three weeks or something; I don't know. I told him positively that I would not submit to it, and when I saw Mr. Wayman, a week before the first Browne trial, I told him that personally.

"Q. What I want to know is, if you were put into the custody of an officer from the State's attorney's office after you were indicted for perjury and that indictment for perjury had been dismissed?—A. Yes, sir.

"Q. You were still kept in the custody of an officer?—A. Yes, sir.

"Q. Was there any charge against you of any kind that you know of?—A. None whatever.

"Q. After that indictment for perjury had been dismissed?—A. Well, by Mr. Wayman's advice I refused to answer questions at Springfield. I had to go to Springfield two or three times, and at his advice refused to answer the questions.

"Q. Were you summoned before the grand jury in Springfield as a witness?—A. Yes, sir.

"Q. Did Mr. Wayman know that you had been summoned as a witness there?—A. Yes, sir.

"Q. Did he talk with you about whether you should go before the grand jury in response to the subpœna of the court?—A. Not as to whether I should go, but as to whether I should answer certain questions or not.

"Q. Did he tell you whether or not you should answer questions that might be asked you?—A. Yes, sir.

"Q. By the grand jury or the State's attorney of Sangamon County?—A. Yes, sir.

"Q. What did he tell you?—A. He told me not to answer, but to stand on the ground that I might incriminate myself by answering any questions before the grand jury.

"Q. Did you tell Mr. Wayman that you were not afraid of incriminating yourself?—A. Certainly; I told him I wanted to answer the questions my way that were put to me there.

"Q. What did he say to you?—A. 'Don't do it, Link; don't do it.'

"Q. Did he know that the State's attorney and the grand jury of Sangamon County had summoned you before the grand jury to testify in relation to these matters?—A. Yes, sir.

"Q. What did he tell you as to the subject matter? Did he tell you not to answer the questions of the State's attorney or the grand jury of Sangamon County?—A. If the senatorial committee please, the question all hinged upon one answer, 'No' or 'Yes,' to one certain question, and that question was, 'Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?' That was the question, and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, 'No.' I answered 'No.' That is all there was about that. He wouldn't let me answer the question at all.

"Q. Did you have a conversation in the criminal court building about a week prior to the trial of Lee O'Neill Browne with H. J. C. Beckemeyer, in the criminal court building about a week before the first Browne trial began?—A. Yes, sir; it was just about a week before—a week prior.

"Q. Did Beckemeyer say to you, 'Our testimony will be alike, word for word?' And did you say, 'No, Beck, I have got the best of you; I promised to vote for LORIMER 8 or 10 days before Browne spoke to me about it?'—A. That conversation took place.

"Q. As I read it?—A. Yes, sir.

"Q. Did Beckemeyer say to you, 'Yes; you have the best of me in that?' Then, did you say to Beckemeyer, 'Beck, I don't believe that LORIMER ever put up a dollar for his election, or that anybody else ever put up a dollar for him?' And did Beckemeyer say, 'I don't believe he did, either?'—A. That was the conversation, word for word, as near as I can remember it.

"Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for WILLIAM LORIMER for United States Senator?—A. I certainly did not.

"Senator GAMBLE. Or after he had voted for LORIMER?

"Q. Did you ever receive any money from Lee O'Neill Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for WILLIAM LORIMER for United States Senator?—A. No, sir.

"Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for WILLIAM LORIMER for United States Senator, or if you had voted for WILLIAM LORIMER for United States Senator, any consideration of any kind?—A. None whatever.

"Q. Did you vote for WILLIAM LORIMER for United States Senator for any other reason than that you liked him, and that you favored and that your people favored the things he favored in relation to the deep waterway from the Lakes to the Gulf?—A. That is why I voted for him."

H. J. BECKEMEYER.

This witness also testified before the subcommittee that he had received money from Lee O'Neil Browne as a reward for his vote for Senator LORIMER, but he also testifies that no money or other compensation was promised him before he voted for Mr. LORIMER. His experience before the grand jury was similar to that of the witness Michael Link, and as against his declaration last made before the grand jury and repeated to the subcommittee we have his statement to Michael Link denying the use of money in the senatorial election, and also to Robert E. Wilson that he did not get any money for voting for Mr. LORIMER, and if anyone said so he was a liar.

D. W. HOLSTLAW.

This witness testified that in a conversation with Senator Broderick he told Broderick that he intended to vote for Mr. LORIMER for Senator, to which Broderick replied, "Well, there is $2,500 for you," and that some time afterwards Broderick paid him $2,500. This witness was also driven to making this statement by certain proceedings taken before a grand jury of Sangamon County, Ill., and in many respects the story told by this witness seemed to the subcommittee to be a highly improbable one.

The circumstances before referred to and many others which might be instanced tended to render the testimony of each and all the witnesses who have been named of doubtful value. And in each case in which it was claimed that some member of the Illinois General Assembly had been bribed to vote for Mr. LORIMER the accusation was positively denied by the person accused of committing the alleged act of bribery. And after a careful examination and consideration of all the evidence submitted the committee are of the opinion that even if it should be conceded that the four members of the Illinois General Assembly before referred to received money in consideration for their votes for Mr. LORIMER, there are no facts or circumstances from which it could be found or legally inferred that any other member or members of the said general assembly were bribed to vote for Mr. LORIMER.

The majority for Senator LORIMER in the joint assembly of the two houses of the general assembly of the State of Illinois was 14. Unless, therefore, a sufficient number of these votes were obtained by corrupt means to deprive him of this majority, Mr. LORIMER has a good title to the seat he occupies in the Senate. If it were admitted that four of the members of the general assembly who voted for Mr. LORIMER were bribed to do so, he still had a majority of the votes cast in the general assembly and his election was valid.

CASE OF BROWNE, BRODERICK, AND WILSON.

It is, however, declared that if the four witnesses before named were bribed to vote for Mr. LORIMER, those who bribed them were equally guilty and that the votes of Browne, Broderick, and Wilson should also be excluded. But the committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence. Browne's reasons for voting as he did are clearly set forth in his testimony. He was the leader of a faction of the minority of the house, and for certain political reasons he thought it good policy to aid in the election of some member of the majority party other than those who had received a considerable number of votes in the general assembly.

The suggestion that his vote and the votes of others whom he might be able to influence should be given to Mr. LORIMER was first made to him by the speaker of the Illinois House of Representatives, and there is no suggestion in the testimony that Mr. Shurtleff, in thus attempting to bring about Mr. LORIMER'S election, was actuated by any improper motive. And the fact that many members of the minority party in the Illinois General Assembly voted for Mr. LORIMER creates no well-grounded suspicion that they were bribed to do so. It is not the first instance in the history of this country in which the members of the minority party of the legislature of a State have joined a few of the members of the party in the majority in electing a Senator from the ranks of the majority party. As to Senator Broderick, there is no testimony that he was bribed to vote for Mr. LORIMER. He not only emphatically denies that he received any money for his vote, but gives his reasons for voting as he did.

Nor is there any evidence in the record from which a legal inference could be drawn that Representative Wilson was bribed to vote for Senator LORIMER. As is hereinafter stated, if Wilson was guilty of any act of bribery, it was not in connection with the senatorial election. There is, therefore, no good ground for deducting his vote from those received by Mr. LORIMER.

Much of the testimony taken upon the investigation related to the alleged payment of money to members of the general assembly of Illinois by one Robert E. Wilson. This was denied by Wilson and by others, and after considering all the evidence on that subject, the committee are not prepared to find that the fact is established. But whether the sums of money claimed to have been paid were or were not paid, that fact has no relevancy to the matter which the committee was appointed to investigate. If any money was disbursed by Wilson, it is evident that it was from a fund which was neither raised nor expended to promote the election of Mr. LORIMER as a Senator nor to reward those who voted for him for that office. It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used. That matter was and is one for the proper officials of the State of Illinois to take cognizance of and one with which the Senate of the United States has no concern.

The committee submit to the Senate the testimony taken in the investigation, with their report that, in their opinion, the title of Mr. LORIMER to a seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices, and request that they be discharged from further consideration of Senate resolution No. 264.

J. C. BURROWS.	MORGAN G. BULKELEY.
CHAUNCEY M. DEPEW.	JOSEPH W. BAILEY.
W. P. DILLINGHAM.	THOMAS H. PAYNTER.
ROBERT J. GAMBLE.	JOSEPH F. JOHNSTON.
W. B. HEYBURN.	DUNCAN U. FLETCHER.

The undersigned, while fully concurring in the foregoing report of the Committee on Privileges and Elections, desires to state herewith his personal reasons therefor:

There was a vacancy in the Senate from Illinois to be filled by the legislature in the constitutional manner.

The record of the legislature of Illinois consisted of 202 votes on joint ballot, and at a lawful time, May 26, 1909, the vote for Senator was taken, which resulted in 108 votes being cast for Mr. LORIMER, which result was duly certified to the Senate and Mr. LORIMER was seated.

No other person has claimed the right to hold the office or to have been elected thereto.

No claim has been made by or on behalf of the State of Illinois that the election of Mr. LORIMER was not in accordance with law or that any other person is entitled to the office.

On June 7, 1910, more than one year after Mr. LORIMER had been elected and taken his oath of office as a Senator, one Clifford W. Barnes, claiming to act on behalf of "The Legislative Voters' League of Illinois," presented charges in the Senate, alleging on information and belief that three members of the legislature who voted for Mr. LORIMER had been bribed to do so by one Lee O'Neil Browne, who was a Democrat, and who is shown to have been indicted for such act and acquitted by a jury of the State of Illinois upon the trial under such indictment.

When the committee was organized at Chicago to hear the parties who had made the charges, Clifford W. Barnes was called and appeared before the committee. Upon being inquired of as to whether he was prepared to proceed to sustain the charges which he had made he informed the committee he was not prepared to offer anything in support of such charges and did not desire to appear for that purpose, or any other, before the committee. He, however, requested that the Chicago Tribune, a newspaper published in Chicago, should be permitted, through its representative, to introduce testimony before the committee respecting the charges and to appear by counsel.

The committee granted this request and a large amount of testimony was introduced, much of which was outside the legitimate scope of the inquiry and some of which consisted of the testimony of members of the legislature establishing the unreliability, and even infamy, of such witnesses. Men swore without any apparent embarrassment that they had sworn falsely on other occasions; had committed perjury; had violated the laws of their State, the laws of morality, and the laws of decency. While it is true the truth may be told by bad men and should not be disregarded altogether because of the moral character of the party testifying, yet in this case the moral obliquity of some of the witnesses called to establish the charges was such as to make it highly improper to accept such testimony as the basis upon which any man's character or right to an office should depend.

It is not claimed nor was any attempt made to show that Mr. LORIMER was in any way connected with the alleged bribery or that he knew of any bribery or corrupt practice in connection with his election.

The committee is not charged with the investigation of the personal character of the members of the Illinois Legislature, nor should it report upon the same.

The right to investigate the character of the legislative body of a State or any member thereof belongs exclusively to the State and the people thereof.

In the Senate every presumption is in favor of the integrity of the State as certified to it by the chief executive of the State, and no presumption can be indulged that the State acted corruptly in the election of a Senator.

When a question as to the right of an incumbent to sit arises in the Senate which is based upon charges made by persons acting in their individual capacity, the burden of sustaining such charges rests on the charging party, and such party should be held to strict proof of the charges made, and such charges may not be made the basis of a dragnet investigation into the personal conduct or morals of the members of the legislature who participated in the election. The State must stand responsible for the character of its officers, and that responsibility is to its own people and not to any branch of the General Government.

The Senate may inquire into the personal fitness of a man elected by a State to sit as a Senator and may determine such question within the exercise of its exclusive powers, but in doing so it may not inquire into the personal character of the officers through whom the State acts. That question belongs to the people of the State exclusively.

The Senate may, however, inquire into the manner of the election of a Member of its body to the extent, and for the purpose of ascertaining whether such election was an honest one, representing the will of the members of the legislative body which certifies his election to the Senate, and in doing this we may inquire whether the votes cast by members of the legislature were procured by bribery of such members, by the person for whom they voted or by anyone on behalf of such person with the knowledge or consent of such person, and in case we should find that such bribery existed we should find that his election was procured in violation of the law, and the person so selected should not be permitted to hold the office of Senator.

In this case Mr. LORIMER is neither charged nor shown to have bribed or corrupted any member of the legislature who voted for him, or to have furnished any money to any person for such purpose, neither has it been shown that he had any knowledge of any bribery or corrupt practice in connection with his election. We do not have to weigh testimony to arrive at this conclusion, for there was no attempt to establish such conduct or knowledge on the part of Senator LORIMER.

That a sufficient number of Democrats had agreed among themselves to join those Republicans who forced Mr. LORIMER'S election is clearly shown by the testimony, a majority of the faction of the Democratic Party from which such votes came was acting under the leadership of Mr. Lee O'Neill Browne, who was a member of the house.

Much testimony and much scandal has been brought to the attention of the committee in connection with Mr. Browne's method of dealing with the Democrats who voted for Mr. LORIMER under his leadership. Men have been charged with corrupt practice, bribery, and perjury. The powers of the courts of Illinois have been invoked to punish the men charged with these offenses, and trials have been had, but no one has been convicted. Another election for the election of members of the Illinois Legislature has been held and most of the men charged with crime and corruption have been reelected to office by the people of Illinois. Can it be urged that the Senate, in determining the *truth of the charges* affecting the election of Mr. LORIMER, should disregard the verdict of the courts and of the people before whom the charges were urged and considered and unseat a Member upon testimony held insufficient by the people of the State of Illinois?

W. B. HEYBURN.

Mr. BEVERIDGE. I was wondering whether it might not be wise to have the conclusion of the report read to the Senate. It can be read or not, just as the Senator sees fit.

Mr. BURROWS. It will be printed in the RECORD.

Mr. CULBERSON. Mr. President, we are unable to hear the Senator from Michigan.

Mr. BURROWS. The report is to be printed in full in the RECORD. There is no objection to that.

I desire to state in this connection that the Senator from Tennessee [Mr. FRAZIER], a member of the Committee on Privileges and Elections, and also a member of the subcommittee which made the investigation, wires me that—

I desire you state in your report or to Senate that I do not concur, and that I reserve right to file minority report later if I desire to do so.

J. B. FRAZIER.

I make that request on behalf of my colleague, the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee will be granted.

Mr. BURROWS. In this connection, Mr. President, I submit the testimony taken by the committee, and also the following resolution for the printing of 1,000 copies for the use of the Senate.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 311), as follows:

Resolved, That there be printed as a document 1,000 copies of the report of the committee and the proceedings before the Committee on Privileges and Elections and a subcommittee thereof in the matter of the investigation of certain charges against WILLIAM LORIMER, a Senator from the State of Illinois.

Mr. BURROWS. The resolution should be referred to the Committee on Printing.

Mr. LA FOLLETTE. I should like to inquire from the Senator from Michigan if there are enough copies of the testimony in this case already printed so that each Member of the Senate can be furnished with a copy?

Mr. BURROWS. The object of the resolution is to supply that defect.

Mr. LA FOLLETTE. I did not understand from the reading of the resolution that it provided for printing anything more than 1,000 copies of the report of the committee.

Mr. BEVERIDGE. Oh, no.

Mr. LA FOLLETTE. It provides for printing the evidence as well?

The PRESIDING OFFICER. It provides for printing 1,000 copies of the report and testimony for the use of the Senate.

Mr. LA FOLLETTE. I did not understand it.

Mr. CULBERSON. I will ask the Senator from Michigan if any minority report was made from the subcommittee to the full committee.

Mr. BURROWS. The Senator from Tennessee [Mr. FRAZIER] said that he could not concur with the committee in its findings in the subcommittee and also in the full committee, and I have therefore proffered his request that he be allowed time to file a minority report if he should desire to do so.

Mr. CULBERSON. What I desire to have an answer to is whether any member of the subcommittee filed with the full committee a report or protest.

Mr. BURROWS. The Senator means to the subcommittee?

Mr. CULBERSON. I ask if any member of the subcommittee filed a minority report to the full committee.

Mr. BURROWS. The Senator from Tennessee filed a letter, or read a letter, to the committee stating that he did not concur in the report.

Mr. CULBERSON. Is that letter a part of the report to-day?

Mr. BURROWS. It is not. The Senator from Tennessee was wired and asked if he desired to have his letter which was presented to the committee printed with the report, to which he replied—I hold his telegram of yesterday in my hand—

No; you need not file letter and statement of conclusions with your report, but would ask that you state in your report, or to Senate, that I do not concur and that I reserve right to file minority report later if I desire to do so.

That statement I have made, and the request has been granted.

Mr. CULBERSON. That answers my inquiry.

Mr. BEVERIDGE. Has the resolution been adopted?

The PRESIDING OFFICER. It has not been adopted.

Mr. BURROWS. It should be referred to the Committee on Printing.

The PRESIDING OFFICER. Without objection, the resolution will be referred to the Committee on Printing.

Mr. BEVERIDGE. Mr. President, as a member of the Committee on Privileges and Elections it is with regret that I am compelled to say that at present I am not able either to concur or dissent from the majority report of the committee. It is due to the Senate that the reasons for that be stated, and I will take only perhaps a minute in doing so. In doing so I shall confine myself to those things which should be, and I take it for granted are, of record, with no criticism whatever of the committee or of any of my colleagues on the committee.

I am a member of the committee, but I was not a member of the subcommittee. It was the subcommittee, of course, that took the testimony in this case.

On last Friday night I received a notice that the full committee would meet on Saturday at 10 o'clock. The committee did meet on that date, and a report of the subcommittee to the full committee was presented, together with the statement of the Senator from Tennessee [Mr. FRAZIER], to which the chairman of the committee has just alluded, which I am sorry is not presented with the report and other matters just laid before the Senate. But, I take it, this could not be done under the telegram the chairman has read.

Mr. President, when the committee met at 10 o'clock last Saturday the testimony was laid before all the members of the committee. That was on Saturday morning. Speaking for myself, it was the first time I had seen the testimony. I understood also that there were briefs, more or less voluminous, neither of which I had seen.

After the report of the subcommittee was read and other statements, including that of Senator FRAZIER, were submitted, a motion was made that the report of the subcommittee should be adopted by the full committee. I was not able to assent to that proposition at that time for the reason that I had not read the testimony and had had no opportunity of doing so.

For that reason I asked that the matter might go over until after the holidays so that this testimony might be examined. The committee would not agree to that.

Then I asked for a week in which to examine the testimony and briefs. The committee, in its wisdom, of which I make no criticism whatever, would not agree to that. Finally, upon the withdrawal of the motion to adopt the report then presented by the subcommittee on last Saturday, the full committee adjourned on motion to meet and finally dispose of the matter on yesterday morning, thus giving the members of the committee who had had no opportunity to examine the testimony and the briefs until Tuesday morning to make such examination before making up their minds.

This seemed to me to be too short a time. It amounted to one-half of a working day; that is, Monday forenoon; or, if you include Sunday, one day and a half. The Senate itself can judge of that. Here is the testimony. It is a volume of 748 pages, closely printed. Here are the precedents involved, or some of them—a large volume. Here are the briefs—one of them nearly 200 pages long.

I immediately took the testimony away with me, and finally, on Saturday afternoon, got a copy of the brief in behalf of Senator LORIMER, but I was not able to get the brief which, I understood, had been printed on the other side until Monday morning.

On Sunday I entered into the investigation, so as to inform myself whether I could intelligently, one way or the other, concur or dissent from the report.

On Sunday it was quite impossible to examine with any kind of care even this brief, which is over 190 pages in length; it was impossible to examine the testimony in that brief time, so at the committee meeting on yesterday, when the motion was made to adopt the conclusion of the subcommittee and authorize the chairman to draw the report which has just been filed, I was not able to vote in favor of it, but, on the contrary, was impelled to vote against it, because, using all possible diligence, I had not been able, not only not to master, but even carefully to investigate the testimony, the briefs, or the precedents.

For this reason, Mr. President, I am not able either to concur with or dissent from the report of the majority of the committee, and shall not be able to determine whether I shall do so until I have given to these matters—the testimony, the arguments, and the precedents—such investigation and study as satisfies my mind one way or the other—such study as so serious a matter requires.

I thought it necessary to state this to the Senate so that the Senate might know why I can not concur or dissent. I therefore reserve the right, as I did in committee, to take such action as my judgment compels when I have had an opportunity to investigate these matters—which I trust I have shown to the Senate has not existed heretofore so far as I am concerned. I reserve the right, as I did in committee, either to concur or dissent or file a minority report.

Mr. President, I have served on this committee, I think, for about 12 years, and I recognize the gravity and seriousness of a case like this, not only as it affects the Senator whose name is in question, but as it affects a State and the Senate itself. There ought to be no delay on the one hand nor any inconsiderate haste on the other hand. We are about to adjourn. We shall reconvene immediately after the Christmas holidays. That will give to any Senator who desires diligently to examine the matter time to do so and to arrive at his conclusions. That having been done, Mr. President, I think all Senators will agree, without exception, that the case should be expedited and concluded.

I therefore ask unanimous consent that at an appropriate time, quite early after the reconvening of the Senate after the holiday recess—say Monday, January 9—the report of the committee just given to the Senate and laid on the table subject to call, together with any other reports which may be made in the premises, shall be taken up for consideration and made the special order, to be continued from day to day until Saturday the 14th of January, unless sooner disposed of, at which time, before adjournment on that day, the report of the committee and all questions arising thereunder and any other reports that may be filed, together with any resolution that may be offered up to that time, shall be voted on and finally disposed of.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do.

Mr. GALLINGER. As I understand the matter, this is a privileged question, which can be called up at any time and discussed by the Senate. I am not willing that it shall be put in such attitude that it will displace the unfinished business, which is now the matter before the Senate, but of course the consideration of a question of this kind will not be opposed whenever the chairman of the committee feels that it is his duty to call it up.

Mr. BEVERIDGE. Mr. President, I understand that, and, as I tried to state, the reason for the request for unanimous consent was that a definite period might be fixed. I thought we might thus best expedite the matter, which, I take it, everybody desires to have disposed of. I assume that a definite period—if this is too long a time, reduce it—would answer the ends of the reasonable disposition not only of this business but of the other business of the Senate.

Of course it lies on the table, subject to the call not only of the chairman of the committee, but also of any other Senator—the Senator can make it broader than that—but if that should be the case, and it be called up one day, discussed, and then go over for a week, the discussion might go on to the end of the session without arriving at any conclusion. Of course I merely want the sense of the Senate upon it. Whatever the Senate decides will be the law of the case.

Mr. BURROWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I have made my request for unanimous consent, and I yield to the Senator.

Mr. BURROWS. Mr. President, I gather from the remarks of the Senator from Indiana that he desires to reserve the right to file minority views if he should conclude so to do.

Mr. BEVERIDGE. I reserve the right to either concur, dissent, or file a minority report, or anything else dictated by the study of the testimony, briefs, and precedents.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that he may be allowed to file his views on the report just made. Is there objection?

Mr. BURROWS. There is no objection to that, I understand.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Indiana has that permission.

Mr. BURROWS. Mr. President, I desire to say further that I think the Senator from Indiana must have misunderstood the resolution passed by the Senate and my request that the report of the committee lie on the table.

Mr. BEVERIDGE. No; I understood that.

Mr. BURROWS. The very object of that was to give to every member of the Senate the opportunity to examine the testimony and the report. In that way we fully meet the criticism of the Senator from Indiana that there has been undue haste in the matter——

Mr. BEVERIDGE. I expressly stated that I made no criticism at all. I merely stated the facts as to why I can not now concur or dissent from the majority report.

Mr. BURROWS. In order to give time to examine the report and the testimony, I have asked that the report lie on the table and the testimony printed in sufficient quantity to supply the Senate. There is no occasion for fixing a date for the consideration of the report.

As has been well said by the Senator from New Hampshire, this is a privileged report and can be called up at any time.

Mr. BEVERIDGE. Mr. President, I expressly state that I make no criticism on the committee or any member thereof. I am familiar with the proprieties. I have stated merely the facts. The Senate can see for itself that it was not an excuse, but an explanation as to why I myself am not ready to express any opinion upon this case, either concurring with or dissenting from the majority report. There [exhibiting] is the volume of testimony—748 pages closely printed; here [exhibiting] is one of the briefs—nearly 200 pages long; there [exhibiting] is another; and here [exhibiting] is an abstract. The time given——

Mr. BAILEY. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. I do.

Mr. BAILEY. Of course the Senator might have been otherwise engaged, but a very elaborate brief for the petitioners in this case was sent to me, and I assume was sent to every member of the committee, and probably to every Member of the Senate, something like two months ago, or certainly more than a month ago.

Mr. BEVERIDGE. As I have said in my remarks, to interrupt the Senator right there, I never saw nor heard of these briefs until the meeting of the committee on Saturday last. On Saturday afternoon I succeeded in getting the brief of Mr. Hanecy, but was unable to get the other briefs—I was informed at that time that they were in existence—until Monday morning, when I did get them, and I never saw the testimony until last Saturday morning at committee meeting.

The Senate itself can judge whether or not I am unreasonable in saying that, even working on Sunday, which would allow a day and a half before the final meeting of the committee, there was sufficient time to go through a volume of 748 pages, a brief of one hundred and ninety and some odd pages, and another brief of I do not know how many pages, to say nothing of the precedents.

At least, Mr. President, working with some diligence, I could not do it. I state that not in criticism of anybody else, but as a reason why I am not able to act this morning, and I made the same statement in the committee yesterday morning.

Now, as to the other point of the Senator from Michigan [Mr. BURROWS], I am not urging haste. Not being able, for the reasons given, thoroughly to familiarize myself with the case—and, I repeat, the Senate can judge for itself whether a day and a half, including working on Sunday, is enough to go through all of these volumes and all the authorities cited—it seems to me that the holidays would afford enough time. And if the holidays do afford enough time, we should then proceed to consider and conclude the case without unreasonable delay. That is the only request I made.

Mr. BURROWS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. Does the Senator know of any criticism of him because he did not feel able to concur or dissent at that meeting of the committee?

Mr. BEVERIDGE. Well, no; except the one the Senator implied. He did not mean it, but he implied one when he stated a moment ago that, in the first place, I complained of haste and now I wanted to make haste. I am trying to show that the Senator is in error, and he will see it himself.

I said, as the Senator will remember, when I asked that opportunity to investigate the record of the case be given those of us who were not members of the subcommittee, that the time during the holidays would be sufficient. The committee would not agree to that. Then I asked for only one week. The committee would not agree to that.

I do not desire, on account of my not having gone through 748 pages of testimony and the briefs and precedents in a day and a half, including Sunday, to delay this matter. It struck me—and it is a matter I have thought of since I have been sitting here in my seat—that it would serve the ends of justice, the convenience of Senators, and the settlement of the whole great question involved if, a reasonable time having been given to all Senators to examine the testimony and the arguments, that a specific time then be fixed for taking up and determining the report of the committee, any other reports that may be filed, and any resolutions that may be based upon them.

If the 9th of January is too early to take the matter up I would change the dates in my request for unanimous consent so that it would be taken up on Monday, the 16th, and continue until Saturday, the 21st, unless we can dispose of it earlier than that. That would give one week.

The PRESIDING OFFICER. Will the Senator restate his request for unanimous consent?

Mr. BEVERIDGE. I request unanimous consent—if the dates first mentioned are too early, I will change them—that on Monday, January 16, the report of the Committee on Privileges and Elections in this case and such other reports from any member of the committee as may be filed, together with any resolution that may be offered by any Senator, shall be taken up as a special order, to be continued from day to day until Saturday, January 21, unless sooner disposed of, and that on Saturday, January 21, before adjournment, or on any day prior thereto when the conclusion of the matter can be reached, a final vote be taken upon the report of the majority, such other reports as may be filed, and any resolution that may be offered by any Senator, so that the entire case may be disposed of in that week. I do that merely to get the sense of the Senate upon this matter.

Mr. GALLINGER. Mr. President, believing and hoping that this matter will be disposed of before the 16th day of January, I object to the request for unanimous consent.

The PRESIDING OFFICER. Objection is made to the request.

Mr. BEVERIDGE. In view of the Senator's statement a moment ago, I will not follow that with a motion. As the discussion has gone along I thought of making a motion that this be done since unanimous consent can not be had, but that can be done later, immediately after Congress convenes following the holiday recess. I understand the Senator from New Hampshire has charge of the unfinished business. I want to say personally to the Senator that I thought this method would get this matter out of the way of his unfinished business even quicker than the other method. The whole matter, then, can go over, so far as I am concerned, both as to the request for unanimous consent or, failing to get that, a motion, until the Senate reconvenes after the holidays. I thought it wise to make the request now, but if the Senator thinks it will interfere with his unfinished business, why of course he has the right to object.

Mr. GALLINGER. I will merely suggest, Mr. President, so far as the unfinished busines is concerned, that I shall endeavor not to allow it to obstruct a matter such as has been discussed this morning. I will try to be courteous——

Mr. BEVERIDGE. I am sure of that.

Mr. GALLINGER (continuing). To all Senators, and especially the Senator from Indiana, I feel sure that there will be abundant opportunty to consider the resolutions that have been submitted and to decide the very important question, which ought to be speedily determined.

Mr. BEVERIDGE. The statement of the Senator from New Hampshire, of course, is satisfactory to me. I understand that he means precisely what he says, and that when this matter comes up he will not permit the unfinished business to stand in the way of a question so important and so privileged.

Mr. SMOOT, subsequently, from the Committee on Printing, to which was referred Senate resolution 311, submitted this day by Mr. BURROWS, reported it without amendment, and it was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 9734) granting an increase of pension to Henry Wentworth (with accompanying papers);

A bill (S. 9735) granting an increase of pension to John Hines (with accompanying papers);

A bill (S. 9736) granting an increase of pension to William Noyes (with accompanying papers); and

A bill (S. 9737) granting an increase of pension to Warren F. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 9738) to provide for appeals from the district court of the United States for Porto Rico; to the Committee on the Judiciary.

A bill (S. 9739) granting an increase of pension to Peter Sandford; to the Committee on Pensions.

By Mr. CLARK of Wyoming (for Mr. GUGGENHEIM):

A bill (S. 9740) for the establishment of a botanical laboratory at Denver, Colo.; to the Committee on Agriculture and Forestry.

By Mr. DIXON:

A bill (S. 9741) granting an increase of pension to Austin Betters; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 9742) to authorize the Secretary of the Treasury to audit and adjust certain claims of the State of New York (with accompanying paper); to the Committee on Claims.

By Mr. BURNHAM:

(By request.) A bill (S. 9743) for the relief of Mary Shannon; to the Committee on Claims.

A bill (S. 9744) granting an increase of pension to William Henderson;

A bill (S. 9745) granting an increase of pension to Andrew Jackson;

A bill (S. 9746) granting an increase of pension to Orin Kimball;

A bill (S. 9747) granting an increase of pension to Frank P. Sargent; and

A bill (S. 9748) granting an increase of pension to Abner F. Clement; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 9749) providing for free homesteads on the public lands for actual and bone fide settlers in the former Uintah Indian Reservation, State of Utah, and reserving the public lands for that purpose; to the Committee on Public Lands.

A bill (S. 9750) granting an increase of pension to Emily J. Swaney (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 9751) authorizing the cancellation of the Indian allotment of Peter Rousseau; to the Committee on Indian Affairs.

A bill (S. 9752) granting an increase of pension to Thomas Posey (with accompanying paper);

A bill (S. 9753) granting an increase of pension to Henry McBrien (with accompanying paper);

A bill (S. 9754) granting an increase of pension to Jane Ann Briggs; and

A bill (S. 9755) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;" to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 9756) to provide for the purchase of a site and the erection of a public building thereon at Farmville, in the State of Virginia; to the Committee on Public Buildings and Grounds.

A bill (S. 9757) for the relief of A. M. Randolph and the other children and heirs of Robert Lee Randolph, deceased; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 9758) for the relief of George W. Samson (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLINT:

A bill (S. 9759) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended; to the Committee on Interstate Commerce.

By Mr. BRADLEY:
A bill (S. 9760) granting an increase of pension to Jesse K. Freeman; to the Committee on Pensions.
By Mr. NIXON:
A bill (S. 9761) granting an increase of pension to Alfred Y. Gale;
A bill (S. 9762) granting an increase of pension to George W. Thompson;
A bill (S. 9763) granting an increase of pension to John Milton Ralston (with accompanying paper); and
A bill (S. 9764) granting an increase of pension to Patrick O'Donnell (with accompanying paper); to the Committee on Pensions.
By Mr. BRANDEGEE:
A bill (S. 9765) granting an increase of pension to Hiram F. Chappell;
A bill (S. 9766) granting an increase of pension to Jerome A. Shirley;
A bill (S. 9767) granting an increase of pension to Mary M. Hoxie;
A bill (S. 9768) granting an increase of pension to Perry B. Johnson;
A bill (S. 9769) granting an increase of pension to Henry Worthington; and
A bill (S. 9770) granting an increase of pension to Michael Cleary; to the Committee on Pensions.
By Mr. JONES:
A bill (S. 9771) granting an increase of pension to George F. Ralston;
A bill (S. 9772) granting an increase of pension to Winfield S. Blain;
A bill (S. 9773) granting an increase of pension to Samuel M. Hoover;
A bill (S. 9774) granting an increase of pension to James R. McKee;
A bill (S. 9775) granting an increase of pension to David W. Fox;
A bill (S. 9776) granting an increase of pension to George Liddle;
A bill (S. 9777) granting an increase of pension to William H. Dupray;
A bill (S. 9778) granting an increase of pension to George H. Slightam;
A bill (S. 9779) granting an increase of pension to Samuel Malkohn;
A bill (S. 9780) granting an increase of pension to Alfred B. Wilcox; and
A bill (S. 9781) granting an increase of pension to Luther McNeal; to the Committee on Pensions.
By Mr. CARTER:
A bill (S. 9782) for the improvement of Quackenbos Street from Georgia Avenue to the east side of Eighth Street NW., Quintana Place from Eighth Street to Ninth Street NW., Eighth Street from Quackenbos Street to Rittenhouse Street NW., and Ninth Street from Quackenbos Street to Rittenhouse Street NW.;
A bill (S. 9783) authorizing the extension of Ninth Street NW.; and
A bill (S. 9784) authorizing the extension of Eighth Street NW.; to the Committee on the District of Columbia.
By Mr. BURKETT:
A bill (S. 9785) granting an increase of pension to Daniel Liming;
A bill (S. 9786) granting an increase of pension to Myron Richards; and
A bill (S. 9787) granting an increase of pension to William M. Thomas (with accompanying papers); to the Committee on Pensions.
By Mr. PENROSE:
A bill (S. 9788) to grant an honorable discharge to Patrick Quinn (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 9789) granting an increase of pension to Laura V. Tegethoff;
A bill (S. 9790) granting a pension to Sarah M. Chandler (with accompanying papers); and
A bill (S. 9791) granting a pension to Ethalinda Stewart (with accompanying paper); to the Committee on Pensions.
By Mr. LODGE:
A bill (S. 9792) granting an increase of pension to Arthur W. Cox (with accompanying papers); to the Committee on Pensions.
By Mr. NELSON:
A bill (S. 9793) for the relief of public-land claimants in fire-burned areas; to the Committee on Public Lands.
By Mr. OWEN (for Mr. GORE):
A bill (S. 9794) to remove the charge of desertion against Elias Gibbs; to the Committee on Military Affairs.
A bill (S. 9795) granting an increase of pension to Elias Cleveland (with accompanying paper);
A bill (S. 9796) granting an increase of pension to Benjamin R. Chisam (with accompanying papers);
A bill (S. 9797) granting an increase of pension to William H. Dillingham (with accompanying paper);
A bill (S. 9798) granting an increase of pension to Amos Potter (with accompanying papers);
A bill (S. 9799) granting an increase of pension to Thomas M. Smith (with accompanying paper);
A bill (S. 9800) granting an increase of pension to William G. Downs (with accompanying papers); and
A bill (S. 9801) granting an increase of pension to Hiram Brooks (with accompanying papers); to the Committee on Pensions.
A bill (S. 9802) to reimburse the members of the Chickasaw and Choctaw Tribes of Indians for the fee of $750,000, said fee paid the firm of Mansfield, McMurray & Cornish, and for other purposes; to the Committee on Indian Affairs.
By Mr. RAYNER (by request):
A bill (S. 9803) for the relief of the heirs of Charles N. Gregory, deceased; to the Committee on Claims.
By Mr. SCOTT:
A bill (S. 9804) granting an increase of pension to Bernard F. Morrow (with accompanying papers); to the Committee on Pensions.
By Mr. BEVERIDGE:
A bill (S. 9805) granting a pension to Benaldine Smith Noble;
A bill (S. 9806) granting an increase of pension to John V. Preston;
A bill (S. 9807) granting an increase of pension to William C. Hoffman (with accompanying papers); and
A bill (S. 9808) granting an increase of pension to Benjamin B. Winans (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $10,000 for improving the Mississippi River in Minnesota, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate $300,000 for continuing the contract plan for widening and deepening the Sabine-Neches Canal from the Port Arthur ship channel to the Sabine River to a navigable depth of 25 feet, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment proposing to increase the salary of the chief clerk of the Bureau of Yards and Docks, Navy Department to $2,500, intended to be proposed by him to the legislative, etc., apropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $50,000 for improving Willapa River and Harbor, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for improving the harbor at Bellingham, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

GOVERNMENT OFFICERS AND EMPLOYEES.

Mr. BOURNE submitted the following resolution (S. Res. 312), which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government exclusive of enlisted men and officers of the Army and Navy.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, Executive clerk, announced that the President had, on December 20, 1910, approved and signed the following acts and joint resolution:

S. 5651. An act to amend an act entitled "An act to incorporate the Washington Sanitary Housing Co.," approved April 23, 1904;

S. 6910. An act to provide for the extension of Reno Road, in the District of Columbia; and

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month.

RULE REGARDING TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, I give notice that on the 5th of January, at the conclusion of the morning business, I will address the Senate on the resolution proposed by the Senator from Iowa [Mr. CUMMINS] regarding the amendment of the tariff by schedules.

ENTRY ON COAL LANDS IN ALABAMA.

Mr. OVERMAN. Mr. President, on behalf of the Senator from Alabama [Mr. JOHNSTON], who is confined to his room by sickness and is very anxious to get a local bill through at this session, I ask unanimous consent for the present consideration of the bill (S. 9266) extending the operation of the act of June 10, 1910, to coal lands in Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that all the public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in the act entitled "An act to provide for agricultural entries on coal lands," approved June 10, 1910.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOURNAL OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1069), which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the session beginning August 30 and ending September 3, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

FRANCHISES IN PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1223), which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat. L., p. 715).

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

TEXAS-NEW MEXICO BOUNDARY LINE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1076), which was read, ordered to lie on the table, and to be printed:

To the Senate and House of Representatives:

The constitutional convention recently held in the Territory of New Mexico has submitted for acceptance or rejection the draft of a constitution to be voted upon by the voters of the proposed new State, which contains a clause purporting to fix the boundary line between New Mexico and Texas which may reasonably be construed to be different from the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, and under which claims might be set up and litigation instigated of an unnecessary and improper character. A joint resolution has been introduced in the House of Representatives for the purpose of authorizing the President of the United States and the State of Texas to mark the boundary lines between the State of Texas and the Territory or proposed State of New Mexico, or to reestablish and re-mark the boundary line heretofore established and marked, and to enact that any provision of the proposed constitution of New Mexico that in any way tends to annul or change the boundary lines between Texas and New Mexico shall be of no force or effect. I recommend the adoption of such joint resolution.

The act of June 5, 1858 (vol. 11, U. S. Stats., 310)—

authorizing the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the territories of the United States and the State of Texas—

under which a survey was made in 1859–60 by one John H. Clark, and in the act of Congress approved March 3, 1891 (vol. 26, U. S. Stats., 971)—

the boundary lines between said public-land strip and Texas, and between Texas and New Mexico, established under the act of June 5, 1858, is hereby confirmed—

and a joint resolution was passed by the legislature of Texas, and became a law March 25, 1891—

confirming the location of the boundary lines established by the United States commissioner between No Man's Land and Texas and Texas and New Mexico under the act of Congress of June 5, 1858. (Laws of Texas, 191, p. 193, Resolutions.)

The Committee on Indian Affairs, in its report of May 2, 1910 (No. 1250), Sixty-first Congress, second session, recommended a joint resolution, in the fourth section of which appears the following:

Provided, That the part of a line run and marked by monument along the thirty-second parallel of north latitude, and that part of the line run and marked along the one hundred and third degree of longitude west of Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, and known as the Clark lines, and that part of the line along the parallel of 36 degrees and 30 minutes of north latitude, forming the north boundary line known as the Panhandle of Texas, and which said parts of said lines have been confirmed by act of Congress of March 3, 1891, shall remain the true boundary lines of Texas and Oklahoma and the Territory of New Mexico: *Provided further,* That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and lines where they can be found and identified.

The lines referred to in the paragraph above are the same as contained in the proposed joint resolution above referred to.

Under the act of Congress approved June 20, 1910, "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union," etc. (vol. 36, U. S. Stats., 557, sec. 4), provides that when a constitution has been duly ratified by the people of New Mexico a certified copy of the same shall be submitted to the President of the United States, and in section 5 it provides that after certain elections shall have been held and the result certified to the President of the United States, the President shall immediately issue his proclamation, upon which the proposed State of New Mexico shall be deemed admitted by Congress into the Union, by virtue of said act of June 20, 1910. The required acts have not taken place, and therefore to all intents and purposes the proposed State of New Mexico is still a Territory and under the control of Congress.

As the boundary line between Texas and New Mexico is established under the act of June 5, 1858, and confirmed by Congress under the act of March 3, 1891, and ratified by the State of Texas March 25, 1891, and as the Territory of New Mexico has not up to the present time fulfilled all the requirements under the act of June 20, 1910, for admission to the Union, there is no reason why the joint resolution should not be adopted, as above provided, and I recommend the adoption of such resolution for the purpose of conferring indisputable authority upon the President, in conjunction with the State of Texas, to reestablish and re-mark a boundary already established and confirmed by Congress and the State of Texas.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

Mr. CULBERSON. Mr. President, the joint resolution referred to in the message of the President was also introduced in the Senate, and a favorable report from the committee has been made, and the joint resolution is now on the calendar.

I ask unanimous consent, under the circumstances, for the present consideration of the joint resolution (S. J. Res. 124) reaffirming the boundary line between Texas and the Territory of New Mexico.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of a joint resolution, which will be read by the Secretary, subject to objection.

The Secretary read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HEYBURN. I should like to have further information. This land, now a part of the Territory of New Mexico, contributes to the school funds of the United States to the extent of four sections in each township; that is, to double the extent of the States in general. The land now belongs to the United States and is subject to that arrangement. If it goes to Texas—for Texas owns its own lands—the school funds of the United States would be depleted to the extent of the value of the school sections falling within this strip. I understand it is a strip about 300 miles long and of very considerable area. A great many school sections would fall within that area.

Texas has no law under which these reservations exist or under the operation of which the Government would receive any contribution to the public school funds or the educational purposes of the Government.

I think a question involving a matter of this magnitude and of that peculiar character ought not to be hastily considered. I am not as fully advised as I hope to be. I have gone through the papers carefully. The question was discussed at length in Congress some years ago, and I have before me the remarks of Members of the House and Senate, some of whom are now Members, and I hope the Senator from Texas will not press his request for the present consideration of the joint resolution.

Mr. LODGE. Mr. President, I hope the Senator from Idaho will not object to the passage of the joint resolution. It seems to me that this is not a question of our handing over Government land which may be divided into school sections. This is land that belongs to Texas, as I understand it. It is now occupied by citizens of Texas. It was marked by monuments under laws of the United States as between the United States and Texas. There is now an attempt in the new constitution of New Mexico to throw the whole strip on which Texas citizens are living into the new State of New Mexico, leading, as the President says, to litigation and very likely to more serious trouble. It seems to me that we ought not to permit such a thing as that to be done. I have only heard of it as I have heard the President's message this morning and listened to the bill. It appears to me it is a serious matter to attempt to take land which has belonged to a State with the entire concurrence of the Government of the United States.

Mr. CULBERSON. Mr. President, will the Senator from Idaho yield to me?

Mr. HEYBURN. I yield to the Senator.

Mr. CULBERSON. Mr. President, the boundary line between New Mexico and Texas was fixed by an act passed in 1850 by Congress and acquiesced in by the State of Texas. The line as actually run on the ground by the commissioner of the United States was established in 1859–60 by the commissioner appointed under the act of 1858. Although the executive departments of the United States and the State of Texas had recognized, between 1858 and 1891, the existence of this line and the correctness of it, Congress in 1891 passed an act expressly confirming the establishment of the boundary line made in 1858. Texas did the same by a joint resolution passed in 1891.

So, as suggested by the Senator from Massachusetts, this land, by an agreement between the United States and Texas, has belonged to Texas since 1858. It has been actually marked on the ground as Texas territory. Much of the land there has been patented by the State, and it is now occupied by citizens of Texas; it has been held and occupied continuously since 1858; and recently villages and towns have been erected on the strip of land which is in dispute.

The purpose of the joint resolution, the passage of which has been recommended by the President in the message just read, is merely to reaffirm and fix again on the ground, as some of the monuments may have been obliterated, the actual line that was run in 1859–60 under the act of 1858 and confirmed by Congress and Texas in 1891 by legislative enactment and acquiesced in since 1858 by the executive departments of both Governments.

The land does not belong to New Mexico, and it is not the purpose of the joint resolution to take it from New Mexico. The land belongs to Texas, and the object of the joint resolution is to confirm it so far as the joint resolution may do.

So far as the question of education is concerned, I will say that Texas in 1845 reserved the public domain of that State when it was admitted into the Union, and every other section of land which is patented by Texas goes to the public free-school fund of that State. The proportion of this land goes to the public-school fund of Texas, as in the case of all other lands patented by the State. It is true it does not go to the free-school fund so far as the United States is concerned, but it is dedicated to the general purposes of education, as is the case with United States land.

I trust that the Senator will allow the joint resolution to be considered and passed.

Mr. HEYBURN. I yielded to the Senator, and I desire to resume for a moment the remarks I was engaged in making.

I have before me a document which conveys some information. The one hundred and third meridian has been officially fixed as a boundary line between Texas and New Mexico. We acquired Texas by a direct treaty with Texas, regarding it as an independent government.

Mr. GALLINGER. With Mexico?

Mr. HEYBURN. I have never considered that it came from Mexico, because I have always recognized the independence of Texas as having been complete when we made it a State. There was an interval, I think history sustains me in saying, when Texas was an independent nation. Political parties have divided on that question. However that may be, it is not very important to determine it now. But the fact is that the one hundred and third meridian, wherever that be, whether it may include this land or not, is the legally, lawfully established line. Whether men going upon the ground have correctly located this line or not is a mere physical fact that may be determined.

When the controversy was up the Government of the United States paid Texas $10,000,000 for all claims that she might have then or thereafter to anything west of the one hundred and third meridian. If I am correct in those things, then this question is of more importance than might seem upon the face, and however it may be disposed of, it ought not to be disposed of so summarily that——

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I do.

Mr. BAILEY. If the Senator will permit me, even if it be true, and indeed it is true, that that astronomical line was declared by the original law to be the boundary between New Mexico and Texas, when the parties to that contract went on the ground, ran the line, and established the monuments, then that line as thus physically run on the ground would control against the mere astronomical or geographical designation, just the same as if the Senator from Idaho and myself owned adjoining land and the deeds called for a certain line, and if he and I went on the ground and ran the dividing line between the two estates that dividing line as thus established on the ground would bind both him and me.

But I will call the Senator's attention to another matter. In what is known as the Greer County case, which was tried while my colleague was attorney general of the State, I believe, the Supreme Court of the United States itself held that Texas was bound by what is known as the Clark line, and they took a very considerable strip of our territory under that. I believe I am right in that.

Mr. CULBERSON. The whole county of Greer.

Mr. BAILEY. Upon the very proposition that we were bound by the Clark line. Now, it would be a singular thing to say that we are bound by it in order to take our territory away from us on one side and the United States is not bound by it in order to take our territory away from us on the other side. That would be cutting us both ways.

If the Senator from Idaho will recall the decision in the Greer County case, I am sure, then, he will not have any doubt in his mind that the line, as thus run and established on the ground, is the line that must prevail even over the astronomical description.

Mr. HEYBURN. Mr. President, the record of Congress shows that the line which was run upon the ground and established was not approved or adopted.

Mr. BAILEY. The Senator is mistaken about that.

Mr. HEYBURN. I have the reference here.

Mr. BAILEY. What document has the Senator?

Mr. HEYBURN. If the Senator will refer to Document No. 635, Fifty-seventh Congress, first session, I think he will find that the Clark survey was not approved. It was claimed that it was 3 miles out of line. The court has recognized the meridian as the line. The question was not involved in that case, as I remember it, but my memory is very scant indeed. It was not determined by the court that the Clark line was the line. The meridian has always been the line, and Texas itself has claimed that the one hundred and third meridian was the line. The only question is, Where is the one hundred and third meridian?

Mr. BAILEY. The Senator, of course, justifies his position by showing he knows nothing about the case.

Mr. HEYBURN. Who does?

Mr. BAILEY. The Senator from Idaho.

Mr. HEYBURN. That is rather a fresh statement, saying that I know nothing about the case.

Mr. BAILEY. Absolutely nothing.

Mr. HEYBURN. I do know something about the case. If the Senator knows more, it will be a duty devolving upon him to make the Senate aware of that fact.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I understood the Senator from Idaho to say that *the line* as run in 1859–60, under the act of 1858, has never been approved. If the Senator will pardon me, I will read the provision of the act of Congress approved March 3, 1891, which is as follows:

The boundary line between said public-land strip and Texas, and between Texas and New Mexico, established under act of June 5, 1858, is hereby confirmed.

Mr. HEYBURN. That was the one hundred and third meridian.

Mr. CULBERSON. Oh, no. The act of 1850 fixed the one hundred and third meridian. The act of 1858 provided that that line should be run on the ground, and it was run on the ground. The act of 1891 approved it as established under the provisions of the act of 1858.

Mr. HEYBURN. The effect of the act of 1891 is very material to be considered in this matter, and the Senate surely should not act upon a question of this kind without having that act presented to it. Has the Senator the act?

Mr. CULBERSON. Of 1891?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I have just read it.

Mr. HEYBURN. The Senator has read a few words.

Mr. CULBERSON. I have read all there is to it.

Mr. HEYBURN. The entire act?

Mr. CULBERSON. The entire act in so far as it refers to this question.

Mr. HEYBURN. May I impose upon the good nature of the Senator to ask him to read the language of that act again?

Mr. CULBERSON. I will, with pleasure.

The boundary line between said public-land strip and Texas—

That is what is called No Man's Land—

and between Texas and New Mexico, established under act of June 5, 1858, is hereby confirmed.

The Senator will find it in the Twenty-sixth Statutes at Large, page 971.

Mr. HEYBURN. That is the line established now?

Mr. CULBERSON. If the Senator will pardon me, I will reiterate. The act of 1850 fixed the boundary line. In 1858 Congress provided for the running of that line on the ground, and it was run on the ground by a man by the name of John H. Clark. In 1891 Congress confirmed the line that was fixed under the act of 1858. Now, that is at least as plain as I can make it.

Mr. HEYBURN. I have something of Mr. Clark's report here before me in regard to the running of that line. I may indulge in reading a little of it. I want it thoroughly understood I have no feeling in this matter. It is like any other matter of public business. We have no right simply to sit here and pass it through because some one says that we ought to do it.

Mr. CULBERSON. If the Senator is going to object to the present consideration of the joint resolution, let him do so, but I submit to the Senator the time of the Senate ought not to be taken up in this way to determine whether he is going to object to its consideration. The only question before the Senate is whether the joint resolution shall be considered.

Mr. HEYBURN. I understand the joint resolution is before the Senate.

The PRESIDING OFFICER. The joint resolution is not before the Senate.

Mr. HEYBURN. I think I will ask that it go over.

The PRESIDING OFFICER. Objection is made.

Mr. LODGE. Regular order!

The PRESIDING OFFICER. Are there further concurrent or other resolutions to be offered?

Mr. CULLOM. If there is no further morning business, I move that the Senate proceed to the consideration of executive business.

Mr. LODGE. I hope that motion will not be made now.

Mr. CULLOM. I have no objection to withdrawing it if there is anything special to be presented to the Senate.

Mr. LODGE. I hope the matter of the Texas boundary will be taken up.

Mr. CULBERSON. Will the Senator from Illinois yield for that purpose?

Mr. CULLOM. I will yield to the Senator.

Mr. CULBERSON. I move that the Senate proceed to the consideration of Senate joint resolution 124, reaffirming the boundary line between Texas and the Territory of New Mexico.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Kean	Rayner
Bailey	Crawford	La Follette	Root
Borah	Culberson	Lodge	Scott
Bourne	Cullom	Money	Shively
Bradley	Dixon	Nelson	Smoot
Brandegee	du Pont	Newlands	Swanson
Bristow	Fletcher	Overman	Taylor
Burkett	Flint	Owen	Terrell
Burrows	Gallinger	Page	Warner
Burton	Gamble	Penrose	Wetmore
Chamberlain	Heyburn	Percy	Young
Clapp	Jones	Piles	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. CULBERSON. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 124) reaffirming the boundary line between Texas and the Territory of New Mexico.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was read, as follows:

Whereas the constitutional convention recently held in the Territory of New Mexico submitted for acceptance or rejection the draft of a proposed constitution for the State of New Mexico, to be voted upon by the voters of said proposed new State on the 21st day of January, 1911, which proposed constitution contains a clause attempting to annul and set aside the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, said lines between the Territory of New Mexico and the State of Texas having been run by John H. Clark, the boundary commissioner acting for the United States in 1859 and 1860, the said lines being now known and recognized as the Clark lines; and

Whereas the United States and the State of Texas have patented land based upon the Clark lines as the boundary between Texas and the Territory of New Mexico: Therefore be it

Resolved, etc., That any provision of said proposed constitution that in any way tends to annul or change the boundary lines between the State of Texas and the Territory or State of New Mexico shall be of no force or effect, but shall be construed so as not in any way to change, affect, or alter the said boundary lines known as the Clark lines and heretofore run and marked by him as a commissioner on the part of the United States and concurred in by the State of Texas, and the former ratification of said Clark lines by the United States by the act approved March 3, 1891, and the State of Texas by the joint resolution passed March 25, 1891, shall be held and deemed a conclusive location and settlement of said boundary lines.

SEC. 2. That the President of the United States is hereby authorized, in conjunction with the State of Texas, to reestablish and re-mark the boundary lines heretofore established and marked by John H. Clark between New Mexico and the State of Texas, and for such purpose he is hereby authorized and empowered to appoint a commissioner, who, in conjunction with such commissioner as may be appointed by and on behalf of the State of Texas for the same purpose, shall re-mark the boundary between the Territory of New Mexico and the State of Texas as follows: Beginning at the point where the one hundred and third degree of longitude west from Greenwich intersects the parallel of 36 degrees and 30 minutes north latitude, as determined and fixed by John H. Clark, the commissioner on the part of the United States in the years 1859 and 1860; thence south with the line run by said Clark for the said one hundred and third degree of longitude to the thirty-second parallel of north latitude to the point marked by said Clark as the southeast corner of New Mexico; and thence west with the thirty-second degree of north latitude as determined by said Clark to the Rio Grande.

SEC. 3. That the part of the line run and marked by monuments along the thirty-second parallel of north latitude and that part of the line marked by monuments along the one hundred and third degree of longitude west from Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of the act of Congress approved June 5, 1858, and known as the Clark lines, which said lines as run by said Clark have been confirmed, as aforesaid, by the act of Congress approved March 3, 1891, and the joint resolution of the legislature of Texas passed March 25, 1891, shall remain the true boundary lines of Texas and New Mexico:

Provided, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and line where they can be found and identified by the original monuments now on the ground, or where monuments are now missing or the lines can not be found but their original position can be shown by competent parol evidence or by the topographic maps or field notes made by said Clark, the monuments so found or their position so identified shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him, and where no survey was actually originally made on said lines it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark map, field notes, and survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners they shall thereafter form the true boundary lines.

SEC. 4. That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the purposes of this act: *Provided*, That the person or persons appointed and employed on the part of the State of Texas shall be paid by the said State.

Mr. HEYBURN. Mr. President, I have not the slightest feeling of antagonism in this matter. Residents of New Mexico have presented their claim to this land to me and called my attention to the fact that the new State was about to be despoiled to the extent of this strip. When they called my attention to it I took occasion to look into the matter, and I have not gone outside of the records of Congress in doing so. Of course, I have no feeling against Texas. It makes not the slightest difference whether Texas gets it or New Mexico, except that Congress is here to do that which is right. I know of no reason why the matter should be rushed through to-day except it is on the principle that when a certain whistle blows you have got to get off the track—that is about the only thing I know—and if you do not the steam roller will run over you. Well, I should like to feel the pressure of a steam roller once, anyhow, and see how it feels.

Mr. President, if this were a new question it might be necessary to go at great length into the relations between Texas and the United States; but it is not. I am going to state a fact that is stated of record. The Government of the United States paid the State of Texas $10,000,000 for this strip of land. Does any Senator controvert that? The question was an issue. The Government paid the State of Texas $10,000,000 for this land.

Mr. BAILEY. For this strip?

Mr. HEYBURN. Is that controverted?

Mr. BAILEY. Of course it is.

Mr. HEYBURN. Then, all right; I will proceed, because I do not care to discuss questions that are not controverted.

Mr. BAILEY. The Government of the United States paid the State of Texas $10,000,000 for an immensely large area of land. Even if this were included in it, this was an infinitesimal part of the purchase that the United States made from Texas.

Mr. HEYBURN. When the question was under discussion on a former occasion in Congress the facts were very well grouped and stated by Mr. PAYNE. In dealing with it he said:

My first recollection of this matter was at the session of the Fifty-ninth Congress, when a bill came up unexpectedly to enable Texas to annex some 600,000 acres of land from the Territory of New Mexico.

Those conditions seem to have been repeated here this morning—the joint resolution comes up unexpectedly.

It was here with a favorable report from the Committee on the Judiciary, the gentleman from Iowa, Mr. Birdsall, having made the report.

Mr. PAYNE proceeds:

I got all the facts which I knew at that time in regard to that case from the favorable report of Mr. Birdsall, because, fortunately, he had placed the documents of the United States in the report which showed that Texas had no right to this 600,000 acres of land, which was worth then and is worth now $20 an acre, or more than $12,000,000.

It seems that in 1850 Texas was claiming all of this land now in dispute, and there was an arrangement made between Texas and the United States, ratified by Congress and by the legislature of Texas, whereby the lines for the Panhandle were described as bounded on the east by the Red River and by the one hundredth meridian, and on the north by latitude 36.30, and on the west by the one hundred and third degree of longitude west of Greenwich. That was agreed to by both parties, and Texas relinquished all lands outside of that, and in consideration the United States paid Texas $12,000,000 in money. So that we had a pretty good title to that land.

The land they paid $12,000,000 for was everything that Texas might claim or did claim west of the one hundred and third meridian.

Afterwards there was some dispute about where the one hundred and third meridian actually was and where the one hundredth actually was. An act was passed by Congress, accepted by the Texas Legislature, that each party should appoint one commissioner, who should go and survey these lands—the one hundredth meridian west of Greenwich and the one hundred and third degree of longitude west of Greenwich. One John H. Clark was sent by the Government.

The act was passed in 1858 and he was sent there in 1859. Texas also sent a surveyor, who stayed on the job a few weeks, got tired, and quit, and left Clark to finish the job and the survey. The point was to establish the one hundred and third meridian and the one hundredth meridian. Mr. Clark went to work, and by establishing the one hundredth meridian at Kansas line, or by ascertaining where it had been established by a previous surveyor. He surveyed back and got down into Texas and fixed the monument at the one hundred and third meridian, and I think the monument is there to-day.

But the one hundred and third meridian at the Kansas line had been established 2¼ miles west of where it ought to be by the mistake of a former surveyor, and subsequently the United States sent another surveyor there with better methods, and by triangulation and observation of the moon and the stars, and so forth, he established the true meridian at the Kansas line and moved it 2 miles and a little over east of where it had been located before, and that is the line as located to-day.

Afterwards the Government of the United States sent Mr. Kidder, a surveyor and engineer, there to go over the lines of Mr. Clark. What did he find? This one hundredth meridian was located 11 chains and 26 links west of the true meridian. He had consequently taken a little land from Texas and given it to the Indian Territory. On the north line he had one end of it a few chains out of the way to the south and the other end of it a few chains out of line to the north of the true parallel of latitude. On the one hundred and third meridian he found that Surveyor Clark had started in first at the southern line of New Mexico and located the one hundred and third meridian, and he established the meridian there, or the point for the meridian, 3 miles 67 chains and 35 links west of the true meridian, as afterwards ascertained by Kidder, and the undoubted meridian as it stands to-day. He went on a few miles farther and surveyed a line north and south.

That line there, I think, is about 600 miles—the whole line along the Texas border on the west, between that and New Mexico.

He was interrupted by Mr. STEPHENS of Texas, who said:

To be exact, it is 310 miles.

The misstatement of the figure is obvious. Mr. PAYNE then said:

Oh, if the gentleman had less zeal, and had pursued this matter a little more in the line of openness from the beginning of the time he referred this joint resolution until now, he would appear better in correcting a few mistakes of that kind.

Proceeding, speaking of this engineer, he says:

Then he went to the northwest corner, and at the northwest corner he started again on what he said was the true meridian, one hundred and third west, and that point happened to be 2 miles 5 chains and 57 links west of the true meridian, and it has since been located, without any question at all; and he went along down the line and gradually closed in a little on the true meridian two-thirds of the way, perhaps three-fifths of the way, down the line. Then he got tired altogether and quit the job. I believe then 1862 had come around, and there might have been reason for his stopping at that time. He never completed the survey, and he left an opening there that has never been surveyed from a point 2 miles and 5 chains west of the true meridian about two-thirds down the line to a point 3 miles 67 chains and 35 links to a point four-fifths of the way down the line—in all, about 130 miles—so that that has never been surveyed—

That is, the 130 miles—

and Texas has no more claim to it than has the State of New York. The gentleman from Texas [Mr. STEPHENS] says this survey was established by the United States by an act of Congress later in an appropriation bill, the sundry civil appropriation bill. A survey was made under the act of June 5, 1858. The survey was not to make a boundary line. The survey was to find the true boundary line—

That is a very important statement to be borne in mind—

which was the one hundred and third meridian, and for no other purpose. This language was slipped into the appropriation bill—

The language is as follows:

And the boundary line between said public-land strip and Texas and Texas and New Mexico established under the act of June 5, 1858, is hereby confirmed.

I wonder if that is the language the Senator from Texas referred to.

It confirmed the boundary line established June 5, 1858, and the act of 1858 made the boundary line the one hundred and third meridian.

The act provided that the boundary line should be by reference to the meridians. The amendment to which I think the Senator from Texas refers related to that action of Congress. The action of Congress did not refer to any stakes upon the ground; it referred to the description of that boundary line in the act of 1858. I read that paragraph:

It confirmed the boundary line established June 5, 1858, and the act of 1858 made the boundary line the one hundred and third meridian; and so it simply confirmed the establishment of the boundary line and said nothing about Clark's survey of the boundary line. There is no question of that kind; it settled no question of that kind.

I think that is a complete answer to the suggestion of the senior Senator from Texas.

I got what facts I could out of the report in the Fifty-ninth Congress and presented them to the House, and the bill was beaten.

I am reading now from remarks made by Mr. PAYNE:

The next Congress the gentleman presented his bill and it went to the Committee on the Judiciary. The Committee on the Judiciary would not report the bill, or else they reported it adversely; I do not remember which. They were all against it. There it laid during the Sixtieth Congress. In this Congress the gentleman comes in in this fashion. He introduces a joint resolution with this title:

"Authorizing the President of the United States, in conjunction with the State of Texas, to reestablish and re-mark the boundary lines between the Indian Territory and the State of Texas, and for other purposes."

There is not a word said about the boundary line between Texas and New Mexico, but he adds the words "and for other purposes." Why? The Committee on Indian Affairs had nothing to do with questions between the United States and the Territory of New Mexico.

Such things must go to the Judiciary Committee or to the Committee on Territories, but the Committee on Indian Affairs could not get jurisdiction of that bill with an honest title. Under the guise of that name

which he gave to this child he sent it to the Committee on Indian Affairs, and he is the ranking minority member of the Committee on Indian Affairs, and has been there for a good many years. It is reported out with this amendment to the title:

"Amend the title so as to read:

"'Joint resolution authorizing the President of the United States, in conjunction with the State of Texas, the Territory of New Mexico, and the State of Oklahoma, to rerun and re-mark the boundary lines between said States and Territory, and for other purposes.'"

Of course, that meant to re-run and re-mark it along the one hundred and third meridian. It could not mean anything else.

The Indian Territory comes in under the other purposes now, and still the Indian Territory had got to be the State of Oklahoma at the time he introduced this joint resolution, but there was enough of the shade of the Indian Territory left to get the bill into the Committee on Indian Affairs and get a report of the Committee on Indian Affairs.

Mr. MONDELL asked:

Was the Kidder line monumented throughout its full length, so that there is no question about its location?

Mr. PAYNE. It was monumented so that there is no question about the location of this meridian.

It was simply establishing the meridian and going over Clark's work to see whether he had established it in the true place. I have a report here in full showing a diagram and showing the differences. Now, when he came to re-form this resolution in order to have it reported to the House, he said:

"That the monument established (under authority of the act of Congress approved January 15, 1901) by Arthur D. Kidder, United States examiner of surveys, as the point of intersection of the true one hundredth meridian with the Red River shall be accepted and ratified as correct."

I doubt the authority of Congress to change the meridians, the lines on the world. It can not change the fact as to where a meridian is by saying it shall be somewhere else.

In answer to the suggestion of a Senator, privately made. I may say it is not my intention to filibuster on this bill. I intend that the record shall be such as to indicate to whoever may hereafter refer to it that the Senate performed its duty in considering the measure.

Remember now that Clark in establishing this one hundredth meridian established it to the west, away from the true meridian, and took some land of the State of Texas and added it to the Indian Territory, now the State of Oklahoma, and this generous gentleman from Texas, coming from a State holding all of her public lands in fee simple when it came into the Union, coming from a State that gave this original land in New Mexico at a price of $12,000,000, which was paid from the Treasury of the United States—

I call the attention of the junior Senator from Texas to this statement—

which was paid from the Treasury of the United States, this very generous gentleman, this very just gentleman, when he comes to have this commission examine the line between the Indian Territory and the State of Texas, goes back to the Kidder survey, which locates this one hundredth meridian many chains to the east of the Clark survey, and locates it there in order that the State of Texas might get back the land which the Clark survey would take away from it on the east.

Mr. STEPHENS of Texas interrupts:

Will the gentleman yield?

Mr. MONDELL. On the north line.

Mr. PAYNE. On the east line——

Mr. STEPHENS of Texas. Is it not a fact that——

Mr. PAYNE. I have not time now to yield to the gentleman. If I have time, I will, when I have concluded, answer all the questions of the gentleman. He further says in the joint resolution:

"*Provided*, That the part of a line run and marked by a monument along the thirty-second parallel of north latitude, and that part of the line run and marked along the one hundred and third degree of longitude west of Greenwich, the same being the east-and-west and north-and-south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, known as the Clark lines, and that part of the line along the parallel of 36° and 30′ of north latitude, forming the north boundary line of the Panhandle of Texas, and which said parts of said lines have been confirmed by acts of Congress—"

I pause here to call attention to the fact that it was not claimed, even by the Member introducing the joint resolution in the interest of this movement, that the whole lines had been run. There are 120 or 130 miles of line that never were run, and they did not claim that they had been run when they sought to get the authority of Congress to assume jurisdiction over that strip of land.

The joint resolution further says:

That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and lines where they can be found and identified by the original monuments now found on the ground, or where monuments are now missing, but their original position can be shown by competent parol evidence, or by the topographical maps, or field notes made by said Clark; the monuments so found, or their position so identified, shall determine the true position and course of the boundary lines as marked by said Clark to the full extent of the survey made by him; and where no survey was actually originally made on said lines it shall be the duty of the said commissioners to run a straight line between the nearest points determined by the Clark survey, and when said straight lines have been so run, marked, and agreed upon by the commissioners they shall thereafter form the true boundary lines.

That is assuming it was run upon the one hundred and third meridian. It says:

He names the "true meridian" at the one hundredth degree west of Greenwich, not the old Clark survey. Why? Because that does not take any land from Texas and give it to Oklahoma as the Clark survey did. Then when he gets to the one hundred and third degree he wants to have the lines of the Clark survey so far as they exist now, because that gives 3 miles in width of additional territory to Texas to come out of New Mexico.

That is to say, when the controversy was between Oklahoma and Texas, Texas receded. When the controversy reached the line of New Mexico, Texas insisted. Mr. MONDELL said:

The purpose, then, I understand, is to follow the Kidder survey where the Kidder survey gives more land to Texas and to follow the Clark survey where the Clark survey gives more land to Texas.

Mr. PAYNE. Certainly, that is it. And what else do you expect from a gentleman whose State received $12,000,000 for this land and comes in now, 60 years afterwards, and tries to get it back by reason of an incomplete, unfinished survey, palpably incorrect, and demonstrated to be wrong.

Every word of information that I have given you has come from the documents of the United States.

Now, I have seen fit to use that summing up that it may go in the record in the consideration of this question by the Senate, that it may not appear that we in this body neither knew nor cared to know the facts.

I have not the slightest intention to delay the consideration of this measure. I think it unfortunate that a measure of this kind should come up at this time. But I am clearly within my rights when I discuss it under the rules of the Senate. I have no action to propose in regard to this joint resolution. I think it is hasty, improvident legislation, and that the conclusion reached is wrong. I do not believe for a moment that the Senator from Texas, or either Senator from Texas, would claim that land for which the State had been paid $12,000,000 by the Government should go back to the State without some compensation to the Government.

The people who are most interested in this are the people who came to me some days ago and called my attention to the fact—and upon that information I have provided myself with some facts in regard to it—that New Mexico would lose this very large and very valuable strip of land, probably above the average of the best land in the State, or what may be the State, of New Mexico. They say that even though the rights of the school fund are recognized, it will be the school fund of Texas and not of New Mexico. They say they are entitled to this area, and that they have regarded it as a part of New Mexico; and the wisdom of the Senate a few brief weeks ago would indicate that they had some reason for so regarding it.

The constitutional convention in New Mexico, describing their boundaries, conformed to the agreement that was reached between Texas—then an independent government—and the United States Government. The boundary line is described as being "thence along said one hundred and third meridian to the thirty-second parallel of north latitude," and so forth, recognizing this meridian.

It does not come with good grace to claim that the people of New Mexico have not considered this a part of that Territory or that they do not care for it. They have taken it in express terms within the boundaries of the State they are seeking to build.

I sincerely hope that the Senators from Texas will not for a moment imagine that I have in my heart any grudge or feeling adverse to Texas, or that I would not have raised this question had it been the State of Idaho or the State of Pennsylvania, or any other State. The duty of a Senator in this body is far above any such motives. But the duty of a Senator in this body is imperative; that he shall exercise a judgment in conformity with his conscience in order that justice may be done through our proceedings.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULBERSON. I ask that the report from the Committee on the Judiciary may be printed in the RECORD.

The report submitted by Mr. CULBERSON on the 19th instant was ordered to be printed in the RECORD, as follows:

The Committee on the Judiciary, which has had under consideration Senate joint resolution 124 (61st Cong., 3d sess.), for reasons hereafter fully stated report the same favorably and recommend its passage.

The contention of the constitutional convention of New Mexico, which is referred to in the joint resolution, seems to be that the boundary line of the Texas Panhandle on the west from latitude 36.30° north to latitude 32° north is located west of the true one hundred and third meridian of longitude west from Greenwich, and that a strip of territory between the true one hundred and third meridian and the line as now established and recognized by the United States and the State of Texas, about 310 miles in length, and varying in width from a little over to considerably less than 3 miles, of right belongs to New Mexico.

SUMMARY OF THE LEGISLATION ENACTED BY THE CONGRESS OF THE UNITED STATES AND THE LEGISLATURE OF THE STATE OF TEXAS WITH REFERENCE TO THIS BOUNDARY AND OFFICIAL ACTS OF THE EXECUTIVE DEPARTMENTS OF BOTH GOVERNMENTS WITH REGARD THERETO.

The United States, by act of the Congress approved September 9, 1850 (9 Stat. L., p. 446), proposed to the State of Texas that in consideration of the payment of $10,000,000 to her the State would cede certain territory to the United States, and agree that her boundary on

the north should commence at the intersection of the one hundredth meridian of longitude west from Greenwich and the parallel of 36.30° north latitude; run thence due west to the one hundred and third meridian of longitude west from Greenwich; thence due south along said meridian to the thirty-second degree of north latitude, etc.; the line from the intersection of the one hundred and third meridian and 36.30° north latitude south to 32° north latitude to constitute the boundary line between the Texas Panhandle and New Mexico.

By an act of her legislature approved November 25, 1850 (Gammel's Laws of Texas, vol. 3, p. 833), this proposal was accepted by the State of Texas.

The legislature of the State of Texas, by an act approved February 11, 1854 (Gammel's Laws of Texas, vol. 3, p. 1525), provided for the appointment of a commissioner by the governor to act in conjunction with a commissioner to be appointed by the United States in running and marking the line here under discussion between the State of Texas and the Territory of New Mexico, in accordance with the compact of 1850.

An act of the Congress approved June 5, 1858 (11 Stat. L., 310), provided for the appointment of a commissioner by the President of the United States to act in conjunction with the Texas commissioner in running and marking, among others, this line.

Pursuant to these acts by the legislatures of their respective governments, in 1858 John H. Clark was appointed commissioner on behalf of the United States, and William R. Scurry commissioner on behalf of the State of Texas. After some correspondence between the Secretary of the Interior and the governor of Texas it was decided to begin running and marking the line between Texas and New Mexico at the Rio Grande; thence eastward along the thirty-second parallel to the one hundred and third meridian; and thence north along that meridian as far as practicable. (Ex. Doc. No. 70, 47th Cong., 1st sess., pp. 206, 207.)

The survey was begun on the ground by the joint commissioners January 3, 1859, and the intersection of the Rio Grande and the thirty-second parallel having been determined, the line was run eastward and marked along that parallel to the one hundred and third meridian, or what was determined to be the one hundred and third meridian, by transfer from Frontera, Mexico, in accordance with instructions to Commissioner Clark by the Secretary of the Interior. (Ex. Doc. No. 70, p. 264.) On the 23d of May, 1859, the running and marking of the one hundred and third meridian north was begun and continued by John H. Clark alone, the Texas commissioner having abandoned the work. Clark ran and marked the line north 70 miles, or a little beyond the thirty-third degree of latitude (ib., p. 298). Finding it impracticable, because of scarcity of water, to proceed farther, he then returned west to the Pecos River, and proceeded up that river and across to the intersection of the one hundred and third meridian and 36.30° north latitude. He located that intersection, which constituted the northwest corner of Texas, by observations to obtain the latitude, and by taking up the one hundred and third meridian, as then established, at the Kansas boundary and transferring it to latitude 36.30°, in accordance with his instructions from the Secretary of the Interior (ib., p. 265). Having been joined at this intersection by another Texas commission, the prolongation of the one hundred and third meridian south was begun on August 23, 1859 (ib., p. 299), and continued to a point south of the thirty-fourth degree of north latitude (ib., p. 278), where, because of the lateness of the season and the occurrence of a succession of sand hills, the work was halted late in October, and never resumed along this meridian by him or any other commissioner representing the United States.

Commissioner Clark, in his report of October 27, 1859, to the Secretary of the Interior, states that he ran the line on the one hundred and third meridian north (from its intersection with the thirty-second parallel) 70 miles (ib., p. 279); and that he ran and marked the line on the one hundred and third meridian south from its intersection with latitude 36.30°, 184 miles (ib., p. 280), erecting altogether on both lines 26 monuments, chiefly of earth and stone. (Ib., pp. 302, 303.)

The Commissioner of the General Land Office of the United States in a letter to the Secretary of the Interior, of date January 11, 1882, states that the office work connected with his surveys was never completed by Commissioner Clark, but that all of the field work was executed except a part of the west boundary which was not run, viz, from 33 north latitude to 33.45 north latitude (ib., p. 1), which substantially agrees with Clark's report of October 24, 1859, that—

"After the establishment and marking of the corner the one hundred and third meridian was taken up and surveyed across the Canadian and to a point on the Llano Estacado south of the thirty-fourth parallel, a distance, with the survey from the Kansas boundary, of about 240 miles." (Ib., p. 278.)

And his letter of July 16, 1860, that he purposes "running out and marking the arc that remains (about 50') of this meridian on my return," referring, of course, to the hiatus between the thirty-third and thirty-fourth parallels which had not been actually run on the ground. (Ib., p. 280.)

This left a hiatus of about 56 miles between the termini of Clark's north and south lines along the one hundred and third meridian, covering the greater portion of the western boundaries of the present counties of Yoakum and Cochran, in the State of Texas, and a portion of the eastern boundary of the county of Chaves, in New Mexico.

By the act of March 3, 1891, the Congress of the United States confirmed and adopted the lines run and marked by Commissioner Clark in the following language:

"That the boundary line between said public-land strip and Texas and between Texas and New Mexico established under the act of June 5, 1858, is hereby confirmed." (26 Stat. L., p. 971.)

This act of the Congress was in terms accepted by a joint resolution of the legislature of the State of Texas passed on March 25, 1891, duly establishing and accepting the lines laid down by Clark as the true boundary line between Texas and New Mexico. (Gammel's Laws of Texas, vol. 10, p. 196.)

CONNECTION OF THE TERMINI OF CLARK'S LINES.

In 1892 W. D. Twitchell, a special deputy surveyor of the Howard land district in the State of Texas, and Mark Howell, county surveyor of Chaves County, N. Mex., as disclosed by a report bearing date August 24, 1892, which is printed in full in House Report No. 1788 (59th Cong., 1st sess., pp. 9–13), retraced Clark's line from the southeast corner of New Mexico to its termination, 70 miles north, which they determined to be latitude 33° 58″, and thence ran and marked a line connecting that point with the termination of Clark's 184-mile line down the one hundred and third meridian from the northwest corner of Texas, the hiatus or gap thus connected by Twitchell and Howell being 56 miles 296 varas long. Twitchell was an official surveyor, acting under due appointment and direction of the commissioner of the general land office of the State of Texas, and Howell was the county surveyor of Chaves County, N. Mex., in the absence of other information acting presumably under that section of the laws of the Territorial Assembly of New Mexico of 1891 (chap. 33, Laws 1891), providing:

"Where a boundary line between two counties is to be established, the county surveyors or their deputies of the two counties affected by such boundaries shall together make the survey and establish the line and erect monuments, etc."

In a letter dated November 30, 1910, the acting commissioner of the general land office of the State of Texas, among other things, says, in regard to this Twitchell-Howell line connecting the termini of Clark's lines:

"The report and the plat filed by Mr. Twitchell was approved by Land Commissioner W. L. McGaughey, and the line surveyed by him platted upon the maps of Cochran and Yoakum Counties, and it has uniformly been shown by those maps since the report was filed. * * * All sections or surveys of land except three touching the line (the Twitchell-Howell line) which connects the termini of Clark's lines belong to the permanent free-school fund and have been sold. * * * The State, acting through its general land office, has proceeded to treat the line run by Mr. Twitchell as the correct boundary. * * * There are 47 sections or surveys of school land and 3 sections of private land whose western lines coincide with that portion of the State boundary run by Mr. Twitchell."

The report by Twitchell and Howell of their survey indicates that in connecting the termini of Clark's lines they followed the correct surveyor's rule and the rule of law, and the rule confirmed and adopted by the Supreme Court of the United States in Land Company *v.* Saunders (103 U. S., 323):

"That where two points of a survey can be definitely located and the ensuing call for direction from either will not connect them the proper method is to connect them by the line of shortest distance between them."

IDENTIFICATION AND RETRACEMENT OF CLARK'S LINES.

Commissioner Clark erected 26 monuments, chiefly of earth and stone, upon the lines he ran along the one hundred and third meridian (Ex. Doc. 70 ante, pp. 302, 303).

Bulletin No. 194, series F, Geological Survey (U. S.), gives the following information in regard to the retracing of Clark's line running southerly from the northwest corner of Texas and the identification of his monuments:

"In 1882–1885 W. S. Mabry, district surveyor of Dallam, Hartley, and Oldham Counties, located certainly the northwest corner of Texas, as fixed by Clark in 1859, the same constituting the northwest corner of the X I T pasture fence. Mabry ran the western boundary line of Texas thence southward along Clark's old line (p. 29), identifying Clark's monuments 15, 16, 17, and 20 (pp. 39, 40)."

Clark's monuments 15 and 16 on his old line, as identified by Mabry, were also identified by United States Surveyors Taylor and Fuss on March 5 and 6, 1883 (pp. 29, 30).

In 1900 Levi S. Preston, a United States deputy surveyor, entered into a contract with the General Land Office of the United States to redetermine and retrace Clark's line along the northern part of the one hundred and third meridian and connect his surveys in New Mexico therewith. In the report of his survey Preston states that he spared neither time nor expense in seeking to properly relocate this line, riding more than 200 miles on horseback to interview old-timers who had assisted in building the X I T pasture fence, which coincided with Clark's line as retraced by Mabry; and that he also had a conference with Mabry, and received from the latter a copy of his retracement made in 1882–1885 of Clark's line. Thereafter, on July 11, 1900, Preston positively identified Clark's monuments 15 and 17, which Mabry had previously identified and used in his retracement of the line (p. 39). Preston also found Clark's monument 16, and satisfied himself that the stone placed by Mabry on the State line was in the position of Clark's old monument 20 (p. 40). Preston further states that he excavated around the northwest corner of the X I T fence, which Mabry found marked with a large mound of earth and a cedar post suitably inscribed, and accordingly adopted as the northwest corner of Texas as located by Clark. Preston also was satisfied from his investigations that this corner was the true northwest corner of Texas as located by Clark, saying:

"This point being almost in true alignment with the old Clark monuments found 37 miles and 75 miles south, agreeing very closely with Mr. Mabry's tie of 1882, and within 150 links of the proper position east of the Johnson monument, as determined in 1858 and 1859, therefore I set a sandstone 60 by 12 by 10 inches, 36 inches in the ground, for the northwest corner of the State of Texas, marked $\frac{\text{'N. W. cor.}}{\text{Texas.'}}$ on east; 'N. M.' on west; '1859' on south; and '1900' on north faces (p. 41)."

Preston's retracement of Clark's line extended from the Canadian River to the northwest corner, a distance of 76 miles (p. 37).

The monument erected by Clark at the southeast corner of New Mexico, the beginning of his projection of the one hundred and third meridian northward, in 1859, has been positively identified, both as to that monument itself and also by bearings obtained from his last or thirty-first monument on the thirty-second parallel. (H. Rept. 1788, 59th Cong., 1st sess.) This corner monument was adopted as the starting point of their survey northward along the old Clark line by Twitchell and Howell in 1892. From this starting point they retraced Clark's line 70 miles north, identifying several of his monuments, and thereafter connected the northern end of his 70-mile line with the southern terminus of his 184-mile line, as heretofore described. (See report, ante.)

EXERCISE OF SOVEREIGNTY BY THE STATE OF TEXAS OVER THE TERRITORY EAST OF THE LINES, AND ACQUIESCENCE BY THE UNITED STATES THERETO.

Surveyors of the State of Texas have run and marked this western boundary along various portions of Clark's lines.

By an act of the legislature of the State, approved February 20, 1879, all the vacant and unappropriated public domain among others, in the counties of Dallam, Hartley, Oldham, Deaf Smith, Parmer, Bailey, and Cochran, the western boundaries of which, in their order as named, extend for 210 miles from the northwest corner of the State south along its western boundary, was appropriated and set apart for the purpose of erecting a new State capitol. Under this act patents were issued by the State to all of the land running from the northwest corner of Texas for 150 miles down this western boundary line—the Clark line—which had unquestionably been run and marked upon the ground in 1859 for that distance. Fences were erected along this 150-mile strip, and more than two-thirds of the land adjacent thereto has been sold by the syndicate first acquiring it, and it is now owned by many diverse owners.

As said by the land commissioner of the State of Texas in a letter to the governor of the State on December 17, 1902:

"A great number of titles have been patented to people along said lines, who in many instances have erected valuable and permanent improvements thereon."

The town of Farwell, the county seat of Parmer County, Tex., a place of several hundred inhabitants, with numerous valuable buildings and other improvements, is located wholly upon the territory which the constitutional convention of New Mexico claims.

Necessarily, the State of Texas has assessed and collected taxes upon all of the lands it has sold and all that privately owned along these lines. The citizens resident along it have exercised the right of suffrage in Texas. Their children have been included in the school census of the State and the funds of the State appropriated and paid out for their education. In short, the State has exercised complete political and police jurisdiction over them and over their property for a series of years.

Nor have any of these acts been in anywise controverted or questioned by any department of the United States. On the other hand, as disclosed by a letter from the Commissioner of the General Land Office of the United States under date of January 31, 1906 (House report, ante, p. 5), that office, properly regardful of the rights of the State of Texas, after stating that certain surveys of public land recently made in New Mexico had been terminated at points "indisputably west of the so-called syndicate fence, which, it has been determined, is approximately in the location of the Clark line," states that it "has so framed instructions as to avoid any steps being taken which would tend toward encouraging encroachment by public-land claimants upon lands east of the syndicate fence." This syndicate fence was built upon Mabry's retracement in 1882–1885 of Clark's line of 1859, and Mabry's retracement was verified, for 76 miles at least, by United States Surveyor Preston in 1900.

Henry Gannett, the geographer of the United States Geological Survey, in a bulletin published by the Department of the Interior in 1904, treats this boundary as settled, saying at page 113:

"The boundary lines between Texas and New Mexico were run and marked in 1859–60 under the Department of the Interior."

While no right has ever existed in the Territorial government of New Mexico to authoritatively raise any contention whatever in regard to this boundary, it may be noted that an examination of the acts of the Territorial assembly from 1897 to 1909, inclusive, fails to disclose the passage or adoption of any statute, resolution, or memorial in any way questioning the boundary or seeking to set up any adverse claim to the ownership exercised by the State of Texas.

It is reasonably clear that Clark did not establish the true astronomical one hundred and third meridian, yet it is no longer an open question that ancient errors in the running and marking of a boundary line, which have been accepted and acted upon and acquiesced in by both parties, can not be corrected.

The Supreme Court of the United States in Virginia *v.* Tennessee (148 U. S., 525) settled that question when it said:

"Nor is it any objection that there may have been errors in the demarcation of the line which the States themselves by their compact sanctioned. After such compacts have been adhered to for years, neither party can be absolved from them upon showing errors, mistakes, or misapprehension of their terms, or in the line established, and this is a complete and perfect answer to the complainant's position in this case."

In the more recent case of Louisiana *v.* Mississippi (202 U. S.) the Supreme Court say, at page 54:

"Moreover, it appears from the record that the various departments of the United States Government have recognized Louisiana's ownership of the disputed area, that Louisiana has always asserted it, and that Mississippi has repeatedly recognized it, and not until recently has disputed it.

"The question is one of boundary, and this court has many times held that, as between the States of the Union, long acquiescence in the assertion of a particular boundary, and the exercise of dominion and sovereignty over the territory within it, should be accepted as conclusive"—

Citing Virginia *v.* Tennessee, supra, and other authorities.

It should be noted that the court in this last case cites the bulletin of the Geological Survey compiled by Henry Gannett in 1904, heretofore quoted from in this report.

In the very recent case of Maryland *v.* West Virginia (217 U. S., 1), decided February 21, 1910, the Supreme Court of the United States specifically held that even if a meridian boundary line is not astronomically correct it should not be overthrown after it has been recognized for many years and become the basis for public and private rights of property (p. 44).

When it is recalled that the northwest corner of Texas, as located by Clark in 1859, has been definitely identified by both United States and Texas surveyors; that three of the monuments erected by Clark upon the line he ran and marked from that corner south have likewise been identified by surveyors of both Governments and the position of a fourth definitely determined; that the monument erected by him at the other end of the line fixing the southeast corner of New Mexico was still upon the ground in 1892, is now definitely marked and was used as a starting point in 1892 by Surveyor Twitchell, acting officially for the State of Texas, and Surveyor Howell, the county surveyor of Chaves County, N. Mex., and that they identified several of Clark's monuments along the line he ran thence northward, the following language of the Supreme Court in the case last cited seems peculiarly pertinent:

"It may be true that an attempt to relocate the Deakins line will show that it is somewhat irregular and not a uniform astronomical north-and-south line, but both surveyors appointed by the States represented in this controversy were able to locate a number of points along the line, and the north limit thereof is fixed by a mound and was located by the commissioners who fixed the boundary between West Virginia and Pennsylvania by a monument which was erected at that point; and we think, from the evidence in this record, that it can be located, with little difficulty by competent commissioners."

It is unnecessary to discuss the proposition that the enabling act to admit New Mexico into the Union as a State in nowise changes the present status of this boundary line, nor would its actual admission as a State. Directly in point, however, are these excerpts from the opinion of the Supreme Court in the case of Missouri *v.* Iowa (7 How., 667):

"The present controversy originated in 1837 between the United States and the State of Missouri, and was carried on for 10 years before Iowa was admitted as a State. Previous to the controversy, and after Missouri came into the Union in 1821, many acts had been done by both parties most materially affecting the controversy, and tending to compromit the claims now set up, the one side as well as the other. The new State of Iowa came into the Union December 27, 1847, and up to this date she was bound by the acts of her predecessor, the United States, forasmuch as the latter might have directly conceded to Missouri a new boundary on the north, as was done on the west; and so, likewise, Iowa is bound by the acts and admissions of the United States tending indirectly to confirm and establish a particular line as the northern boundary of Missouri."

And at page 674:

"From these facts it is too manifest for argument to make it more so, that the United States was committed to this line when Iowa came into the Union; and as already stated, Iowa must abide by the condition of her predecessor and can not now be heard to disavow the old Indian line as her true southern boundary."

Summarizing them, the facts appear to be:

(1) That the one hundred and third meridian from latitude 36.30 north, south to latitude 32 north, was adopted as the western boundary line of the Texas Panhandle by compact between the Governments of the United States and the State of Texas in 1850.

(2) That 70 miles were run and marked northward along the one hundred and third meridian from the southeast corner of New Mexico, and 184 miles were run and marked southward along said meridian from the northwest corner of Texas by John H. Clark, commissioner for the United States, in the year 1859.

(3) That a portion of Clark's old line south from the northwest corner of Texas along the one hundred and third meridian was retraced by W. S. Mabry, an official surveyor of the State of Texas, in the years 1882–1885, and four of Clark's monuments, including the one marking the northwest corner, identified certainly, and the position of one other (No. 20) accurately. That Clark's monuments 15 and 16 so identified by Mabry were likewise identified by United States Surveyors Taylor and Fuss in 1883.

(4) That the Congress of the United States and the legislature of the State of Texas by appropriate legislative enactments in 1891 adopted Clark's lines, as run and marked on the ground, as the true boundary.

(5) That the Clark line for the 70 miles north from the southeast corner of New Mexico has been retraced and his monuments identified in a joint survey by surveyors of Texas and New Mexico, who also ran and marked a line connecting the termini of Clark's north and south lines in 1892, and that this latter line bridging the gap has been officially recognized and acted upon by the State of Texas and acquiesced in by the United States.

(6) That State Surveyor Mabry's line from the northwest corner south for 76 miles was retraced by United States Surveyor Preston, and the Clark monuments identified by Mabry likewise identified by Preston, and the northwest corner fixed by Mabry found to be correct by Preston and adopted and properly marked by the latter in 1900.

(7) That the State of Texas has sold nearly all of the land whose western boundaries coincide with Clark's lines; and also all of the land, except three sections privately owned, whose western boundary coincides with the line run by Twitchell and Howell in 1892 connecting the termini of Clark's lines.

(8) That the State has for many years exercised complete political and police jurisdiction over the territory east of the Clark lines and the Twitchell-Howell line.

(9) That the United States have acquiesced in such acts of ownership and jurisdiction by the State, and officially recognized the Clark lines when called into question by attempted locators on land alleged to be in New Mexico.

From which it seems clear—

(1) That irrespective of the correct astronomical location of the one hundred and third meridian between latitude 36.30 and latitude 32, the Clark lines, as run and marked on the ground, both by formal legislative adoption in 1891 by both governments and by long exercise of sovereignty by the State and acquiescence by the United States, constitute the true boundary and can not be changed.

(2) That the Twitchell-Howell line, run and marked on the ground in 1892, connecting the termini of the Clark lines, follows the rule of law applicable to such cases, and its adoption by the State of Texas and the acquiescence therein by the United States, and the intervening of numerous private property rights with reference thereto, constitutes it the true boundary.

(3) That the enabling act to admit New Mexico into the Union as a State in no wise changes the status of this boundary, and as the United States have formally adopted and confirmed 254 miles of it and are estopped by long acquiescence from setting up any adverse claim as to the other 56 miles run and marked in 1892, New Mexico, as a State, will be concluded by the acts of her predecessor in sovereignty.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 4 minutes spent in executive session the doors were reopened, and (at 2 o'clock p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 5, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 21, 1910.

RECEIVER OF PUBLIC MONEYS.

Benjamin C. Barbor, of Idaho, to be receiver of public moneys at Lewiston, Idaho, his term expiring December 19, 1910. (Reappointment.)

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Walter P. Boatwright, Coast Artillery Corps, to be first lieutenant from December 2, 1910, vice First Lieut. James E. Wilson, promoted.

POSTMASTERS.

ALABAMA.

Thomas B. McNaron to be postmaster at Albertville, Ala., in place of William W. McNaron. Incumbent's commission expired February 5, 1910.

ARIZONA.

Jacob N. Cohenour to be postmaster at Kingman, Ariz., in place of Oregon D. M. Gaddis, resigned.

CALIFORNIA.

Alonzo Bradford to be postmaster at Hayward (late Haywards), Cal., in place of Alonzo Bradford, to change name of office.

IDAHO.

I. B. Evans to be postmaster at Preston, Idaho, in place of Grace H. Woolley. Incumbent's commission expired June 11, 1910.

Uther Jones to be postmaster at Malad City, Idaho, in place of Mary P. Jones, resigned.

ILLINOIS.

Francis M. Brock to be postmaster at Fairfield, Ill., in place of R. E. Mabry, resigned.

John T. Clyne to be postmaster at Joliet, Ill., in place of John T. Clyne. Incumbent's commission expires February 20, 1911.

Edith Cole to be postmaster at Marshall, Ill., in place of Edward Cole, resigned.

Edmund E. Dow to be postmaster at Neoga, Ill., in place of Milton A. Ewing. Incumbent's commission expired May 7, 1910.

James McClintock to be postmaster at Hinsdale, Ill., in place of James McClintock. Incumbent's commission expires February 28, 1911.

IOWA.

Albert H. Brooks to be postmaster at Hawkeye, Iowa, in place of Albert H. Brooks. Incumbent's commission expired May 25, 1910.

Charles B. Dean to be postmaster at Wall Lake, Iowa, in place of Charles B. Dean. Incumbent's commission expired April 23, 1910.

Wilbert S. Freeman to be postmaster at Le Mars, Iowa, in place of Wilbert S. Freeman. Incumbent's commission expired January 31, 1910.

William Gray to be postmaster at Clear Lake, Iowa, in place of William Gray. Incumbent's commission expired June 18, 1910.

Hans Keiser to be postmaster at Elgin, Iowa, in place of Hans Keiser. Incumbent's commission expired May 16, 1910.

Arthur C. Norris to be postmaster at Grinnell, Iowa, in place of William G. Ray. Incumbent's commission expired December 13, 1910.

P. O. Refsell to be postmaster at Emmetsburg, Iowa, in place of Lewis H. Mayne. Incumbent's commission expired February 5, 1910.

Sears T. Richards to be postmaster at Edgewood, Iowa. Office became presidential January 1, 1910.

Frank E. Tripp to be postmaster at Preston, Iowa, in place of John W. Campbell. Incumbent's commission expired February 27, 1910.

Francis Trunkey to be postmaster at Elma, Iowa, in place of Francis Trunkey. Incumbent's commission expired January 10, 1910.

KANSAS.

J. T. Coles to be postmaster at Erie, Kans., in place of James A. Eaton. Incumbent's commission expired December 20, 1910.

Ewing Herbert to be postmaster at Hiawatha, Kans., in place of Ewing Herbert. Incumbent's commission expired April 19, 1910.

MASSACHUSETTS.

Charles D. Brown to be postmaster at Gloucester, Mass., in place of Charles D. Brown. Incumbent's commission expires January 10, 1911.

MICHIGAN.

Frank D. Ball to be postmaster at Crystal Falls, Mich., in place of Frank D. Ball. Incumbent's commission expires January 10, 1911.

Lawson E. Becker to be postmaster at Fenton, Mich., in place of Lawson E. Becker. Incumbent's commission expires January 10, 1911.

Timothy Smith to be postmaster at Howell, Mich., in place of Timothy Smith. Incumbent's commission expired December 19, 1910.

MINNESOTA.

John Chermak to be postmaster at Chatfield, Minn., in place of John Chermak. Incumbent's commission expires January 10, 1911.

MISSOURI.

William R. Sweeney to be postmaster at Salisbury, Mo., in place of William R. Sweeney. Incumbent's commission expired February 5, 1910.

NEBRASKA.

Samuel H. Weston to be postmaster at Dorchester, Nebr., in place of Samuel H. Weston. Incumbent's commission expired December 11, 1910.

NEW JERSEY.

Augustus K. Gale to be postmaster at Westfield, N. J., in place of Luther M. Whitaker. Incumbent's commission expired May 23, 1910.

NEW YORK.

Floyd S. Brooks to be postmaster at Ilion, N. Y., in place of Floyd S. Brooks. Incumbent's commission expired December 11, 1910.

Paul R. Clark to be postmaster at Auburn, N. Y., in place of Paul R. Clark. Incumbent's commission expires January 12, 1911.

Thomas J. Wintermute to be postmaster at Horseheads, N. Y., in place of Selah H. Van Duzer. Incumbent's commission expired December 18, 1910.

OHIO.

Frank B. Gee to be postmaster at Grafton, Ohio. Office became presidential April 1, 1910.

Charles J. Thompson to be postmaster at Defiance, Ohio, in place of Charles J. Thompson. Incumbent's commission expired December 10, 1910.

OREGON.

Oliver P. Shoemaker to be postmaster at Newport, Oreg., in place of Frank H. Lane, resigned.

PENNSYLVANIA.

John E. Barrett to be postmaster at Scranton, Pa., in place of Ezra H. Ripple, deceased.

Joseph M. Brothers to be postmaster at Knox, Pa., in place of Joseph M. Brothers. Incumbent's commission expires January 22, 1911.

William G. Cochran to be postmaster at Woodlawn, Pa. Office became presidential October 1, 1910.

Josiah R. Dodds to be postmaster at Franklin, Pa., in place of David W. Morgan. Incumbent's commission expired May 9, 1910.

Christmas E. Fitch to be postmaster at Wampum, Pa., in place of Christmas E. Fitch. Incumbent's commission expired January 23, 1909.

Philip L. Freund to be postmaster at Arnold, Pa., in place of John C. Crissman, deceased.

Frank N. Donahue to be postmaster at Carrolltown, Pa., in place of Frank N. Donahue. Incumbent's commission expired February 8, 1910.

O. S. Gahagan to be postmaster at Mount Jewett, Pa., in place of Robert M. Swisher, resigned.

James L. Greer to be postmaster at Stoneboro, Pa. Office became presidential October 1, 1910.

Joseph T. Hemphill to be postmaster at Washington, Pa., in place of David A. Templeton, deceased.

Edgar C. Hummel to be postmaster at Hummelstown, Pa., in place of Ross W. Nissley, resigned.

Hiram H. McDonough to be postmaster at Cheswick, Pa. Office became presidential October 1, 1910.

Winfred W. Marsh to be postmaster at Westfield, Pa., in place of Edwin S. Holcomb. Incumbent's commission expired February 27, 1909.

H. C. Snyder to be postmaster at Newville, Pa., in place of James T. Dunfee. Incumbent's commission expired January 16, 1910.

Lynn G. Thomas to be postmaster at Canton, Pa., in place of Lynn G. Thomas. Incumbent's commission expired June 29, 1910.

Robert B. Thompson to be postmaster at Williamstown, Pa., in place of James Blanning. Incumbent's commission expired March 19, 1906.

RHODE ISLAND.

Arthur W. Stedman to be postmaster at Wakefield, R. I., in place of Arthur W. Stedman. Incumbent's commission expired December 18, 1910.

TENNESSEE.

George M. Book to be postmaster at Tullahoma, Tenn., in place of Charles S. Wortham, deceased.

VIRGINIA.

W. T. Robertson to be postmaster at Amelia Court House, Va. Office became presidential October 1, 1910.

WASHINGTON.

David M. Bender to be postmaster at Lynden, Wash., in place of Robert O'Neil, resigned.

WISCONSIN.

Henry E. Blair to be postmaster at Waukesha, Wis., in place of Henry E. Blair. Incumbent's commission expires February 7, 1911.

Joseph D. Cotton to be postmaster at Clintonville, Wis., in place of Joel L. Stewart. Incumbent's commission expired March 21, 1910.

Paul L. Halline to be postmaster at De Pere, Wis., in place of John C. Outhwaite. Incumbent's commission expired April 6, 1910.

Henry G. Kress to be postmaster at Manitowoc, Wis., in place of Henry G. Kress. Incumbent's commission expired May 10, 1910.

Max H. Ninman to be postmaster at Sauk City, Wis. Office became presidential October 1, 1910.

James A. Pritchard to be postmaster at Racine, Wis., in place of Christopher C. Gittings. Incumbent's commission expired March 2, 1910.

L. L. Thayer to be postmaster at Bloomer, Wis., in place of L. L. Thayer. Incumbent's commission expired January 23, 1910.

Robert V. Walker to be postmaster at Odanah, Wis., in place of William G. Walker. Incumbent's commission expired December 19, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1910.

INTERSTATE COMMERCE COMMISSIONERS.

C. C. McChord to be Interstate Commerce Commissioner.

Balthasar Henry Meyer to be Interstate Commerce Commissioner.

REGISTER OF LAND OFFICE.

Peter O. Hedlund to be register of the land office at Hugo, Colo.

POSTMASTERS.

ILLINOIS.

John T. Clyne, Joliet.

Francis M. Brock, Fairfield.

WITHDRAWAL.

Executive nomination withdrawn December 21, 1910.

UNITED STATES ATTORNEY.

James N. Sharp to be United States attorney, eastern district of Kentucky.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 21, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee for the Yuletide season which mellows the hearts of men, strengthens the home ties, and makes the whole world akin. For we are reminded that out of the deeps of Thine own loving heart came nineteen hundred years ago Thine own best gift to the world, heralded by the angelic choir, "Glory to God in the highest, and on earth peace, good will toward men." Write, O we beseech Thee, in letters of gold, this truth upon our hearts, Fatherhood, brotherhood, that war shall come no more, and peace reign supreme now and always on all the face of the earth.

Be with us as we separate to celebrate the lesson of love to Thee and our fellowmen and bring us together at the appointed time without the loss of any, better prepared to do the work Thou hast given us to do, in the spirit of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21331. An act for the purchase of land widening Park Road, in the District of Columbia.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on December 19, 1910, approved and signed bill of the following title:

H. R. 27400. An act to repeal an act authorizing the issuance of a patent to James F. Rowell.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7971. An act for the allowance of certain claims reported by the Court of Claims, and for other purposes; to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7971. An act for the allowance of certain claims reported by the Court of Claims, and for other purposes.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 1223), which was read and, with the accompanying papers, referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat. L., p. 715).

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

The SPEAKER also laid before the House the following message from the President of the United States (H Doc. No. 1069), which was read and, with the accompanying document, was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the journal of the Executive Council of Porto Rico for the session beginning August 30 and ending September 3, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

The SPEAKER. This being calendar Wednesday, the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

The Clerk proceeded with the reading of the bill, and read as follows:

SEC. 40. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

Mr. MANN. I move to strike out the last word. That, I understand, is not a change of the existing law.

Mr. MOON of Pennsylvania. No.

Mr. MANN. But does the existing law require that offenses punishable with death, under Federal jurisdiction, shall be tried in the county where the offense was committed?

Mr. MOON of Pennsylvania. Yes; that is the old law that has stood on the statute books since 1789.

Mr. MANN. It certainly ought to be changed. I suppose the committee did not feel warranted in changing existing law.

Mr. MOON of Pennsylvania. I want to say that this section is of no value. Practically it is obsolete to provide that the trial shall be had in the county where the offense was committed, when that can be done without great inconvenience. It was kept there by a divided vote in the committee, because

it was the existing law. I think it is entirely obsolete and ought to be changed.

Mr. MANN. It is nonsense the way it is.

Mr. MOON of Pennsylvania. I think it is. If any motion is made to strike it out, I shall not resist it.

Mr. BARTLETT of Georgia. Does the gentleman know of any instance where this statute has been complied with?

Mr. MOON of Pennsylvania. I know of no case that has occurred within 50 years where it has been called into effect.

Mr. BARTLETT of Georgia. It would be impossible to comply with the absolute requirement. Why, there are some 30 or 40 counties in the district where I reside.

Mr. KENNEDY of Ohio. It says "where it can be done without great inconvenience."

Mr. MOON of Pennsylvania. It might raise a serious question on appeal as to whether it could be done without great inconvenience. If anyone moves to strike it out, I should not resist it.

Mr. MANN. I move to strike it out.

The Clerk read as follows:

Strike out section 40.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 41. The trial of all offenses committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Mr. GARRETT. I move to strike out the last word, and wish the attention of the gentleman from Pennsylvania for a moment. On the last day this bill was up for consideration I submitted an amendment as to jurisdiction, and it was agreed that the amendment should be considered to-day. I understand that the gentleman having the bill in charge desires that the amendments on that subject shall go over until the next day on which this bill is considered.

Mr. MOON of Pennsylvania. Mr. Speaker, that is true. I think it is advisable that we have a day for the disposal of all those amendments. I will, therefore, ask unanimous consent, if it is necessary, that these jurisdiction amendments be considered as pending.

Mr. MANN. There was only one.

Mr. GARRETT. There were only two that were agreed to be considered to-day that were in the same general class; there were other amendments.

Mr. MANN. There were two amendments.

Mr. GARRETT. There were the amendments offered by the gentleman from Kentucky [Mr. THOMAS] and myself.

Mr. NORRIS. One amendment depends upon the other.

Mr. GARRETT. They are interlacing.

Mr. MOON of Pennsylvania. That is true.

Mr. NORRIS. They ought both to go over.

Mr. HUGHES of New Jersey. Will the gentleman include in his request for unanimous consent that all amendments pending under the arrangement arrived at the other day go over until the next time the bill is considered?

Mr. MOON of Pennsylvania. I will do so, although the section to which the gentleman's amendment is pending could not by any possibility be reached to-day; but as a matter of precaution I will ask unanimous consent that all pending amendments go over to a future day.

The SPEAKER. The gentleman asks unanimous consent that pending amendments shall go over until a future day.

Mr. GARRETT. Just one moment, reserving the right to object. Would it be agreeable to the gentleman from Pennsylvania that the amendments offered by the gentleman from Kentucky [Mr. THOMAS] and myself shall be considered on the next day that we consider this bill?

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. That is the amendment as to jurisdiction?

Mr. MOON of Pennsylvania. It is the amendment taking away jurisdiction entirely, in cases of corporations, on the grounds of diverse citizenship.

Mr. MANN. It is where the amendment relates to jurisdiction?

Mr. GARRETT. Yes; the amendments relating to jurisdiction that were proposed by the gentleman from Kentucky [Mr. THOMAS] and myself.

Mr. MOON of Pennsylvania. That stands in a different category from the amendment of the gentleman from New Jersey [Mr. HUGHES]. That is undoubtedly germane to a section already passed, while this has gone over with the understanding that it will be offered at section 254.

Mr. NORRIS. I understand the gentleman from Pennsylvania does not desire to change the agreement that was made in regard to the amendment, for instance, that I offered.

Mr. MOON of Pennsylvania. Not at all.

Mr. NORRIS. That will remain the same.

Mr. MANN. The Wilson amendment and the Norris amendment will come up when the section is reached.

Mr. MOON of Pennsylvania. Yes.

Mr. NORRIS. I do not want that included in this agreement.

Mr. MOON of Pennsylvania. That is understood, but the gentleman from New Jersey [Mr. HUGHES] very properly asked that none of them be considered to-day. Now, while in my judgment they will not be reached to-day, the gentleman from New Jersey has very properly asked that they go over.

Mr. NORRIS. That is very proper. They will not be reached anyway.

Mr. MOON of Pennsylvania. No.

Mr. WILSON of Pennsylvania. I understand this arrangement does not in any manner interfere with the arrangement made the other day about the consideration of the amendment which I offered.

Mr. MOON of Pennsylvania. Not at all. Under no conditions or circumstances conceivable could the section be reached to-day to which this applies.

Mr. WILSON of Pennsylvania. I do not expect it will, but——

Mr. MOON of Pennsylvania. But it is perfectly proper to ask unanimous consent that under no conditions shall it be considered to-day.

Mr. MANN. It is a very easy matter for any gentleman to protect himself against anything that is reached to-day.

Mr. LIVINGSTON. Yes; by making the point of no quorum.

Mr. GARRETT. I have been requested by a number of Members who are interested in the subject to see that this understanding is arrived at.

Mr. MOON of Pennsylvania. That is perfectly satisfactory to me, to take that up at the next meeting of the committee. It ought to be done.

Mr. THOMAS of Kentucky. It is understood that the amendment which I have offered, defining combinations and conspiracies in trade and labor disputes, and regulating the granting of injunctions therein, is included in this agreement.

Mr. MOON of Pennsylvania. Undoubtedly, because that applies to section 249; but it is included in the agreement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the pending amendment go over until a future day?

There was no objection.

The Clerk read as follows:

SEC. 42. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

Mr. MANN. I move to strike out the last word. Is this section 42 exactly the same as the existing law, as it seems to be?

Mr. MOON of Pennsylvania. Exactly the same.

Mr. MANN. Is it carried in the criminal code?

Mr. MOON of Pennsylvania. Yes; section 42 is section 731 of the Revised Statutes, which reads as follows:

SEC. 731. When any offense against the United States is begun in one judicial circuit and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

The only change is the substitution of the word "district" for the word "circuit," in conformity with the change which has been uniformly made all through this codification.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 53. When a district contains more than one division every suit not of a local nature against a single defendant must be brought in the division where he resides; but if there are two or more defendants residing in different divisions of the district it may be brought in either division. All mesne and final process subject to the provisions of this section may be served and executed in any or all of the divisions of the district, or if the State contains more than one district, then in any of such districts, as provided in the preceding section. All prosecutions for crimes or offenses shall be had within the division of such districts where the same were committed, unless the court, or the judge thereof, upon the application of the defendant, shall order the cause to be transferred for prosecution to another division of the district. When a transfer is ordered by the court or judge, all the papers in the case, or certified copies thereof, shall be transmitted by the clerk, under the seal of the court, to the division to which the cause is so ordered transferred; and thereupon the cause shall be proceeded with in said division in the same manner as if the offense had been committed therein. In all cases of the removal of suits from the courts of a State to the district court of the United States such removal shall be to the United States district court in the division in which the county is situated from which the removal is made; and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of United States courts, shall be deemed to refer to the terms of the United States district court in such division.

Mr. MANN. I move to strike out the last word. I notice that in section 42 there is a provision for punishing in either district an offense begun in one district and completed in another; but under this section it is provided that—

All prosecutions for crimes or offenses shall be had within the division of such district where the same were committed.

Now, the gentleman stated a while ago that it was necessary to have section 42, because a murder might have been begun in one district and completed in another district, and not being committed in either district, it could not be punished at all. If that be so, it would apply to this provision in this section, apparently.

Mr. MOON of Pennsylvania. No; this has reference only to the division of a district into divisions.

Mr. MANN. I understand.

Mr. MOON of Pennsylvania. The crime there would be committed in a district, and would be triable anywhere in the district.

Mr. MANN. It says not.

Mr. MOON of Pennsylvania. This does not confer any jurisdiction not already conferred, and does not alter any jurisdiction already conferred. It only applies to a condition that very frequently occurs, and which has occurred in every session of Congress since I have been here, and probably will continue to occur where districts are divided into divisions. These provisions that we here put in the general law have heretofore been put in separate bills.

Mr. MANN. But the language of the section is:

All prosecutions for crimes or offenses shall be had within the division of such districts where the same were committed.

Now, the words "where the same were committed" does not apply to districts, but it applies to divisions of the district, and under that you must commence the prosecution within the division where the crime was committed. But you have just stated that crimes might not be committed in either district; it may be commenced in one and finished in another, and that is the reason why you apply that distinction.

Mr. KEIFER. It requires that the man must be prosecuted in some district.

Mr. MANN. I am reading the language and the gentleman can interpret it.

Mr. KEIFER. I am not talking about the statute; but a man must be prosecuted in some district.

Mr. MOON of Pennsylvania. In the district in which the crime was committed.

Mr. KEIFER. Certainly; so that there is no such thing as a crime being committed outside of the district.

Mr. MOON of Pennsylvania. We have provided that where it has been commenced in one district and completed in another it may be prosecuted in either.

Mr. KEIFER. Yes; but that is in the district.

Mr. MANN. Certainly; you cover that in section 42, where the crime is commenced in one and completed in another, or it may extend through a dozen, and you can punish in either district. But you require it to be commenced and prosecuted in the division where it is committed, and under the statement of the gentleman it may require an act in two divisions to complete the crime.

Mr. KEIFER. In that case, would not the statute control in determining which division of the district it would be tried in?

Mr. MANN. It would cover the question of districts, but it would not cover the question of divisions, because we provide otherwise.

Mr. MOON of Pennsylvania. I understand the criticism of the gentleman from Illinois, and I think it is perhaps well taken. I think there ought to be some limitation there, so it would not interfere with the general law.

Mr. Speaker, it is difficult under circumstances like this to consider fully an object of this kind, and I will ask unanimous consent that this section be passed over for the present in order to give us some time to consider it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read as follows:

SEC. 54. In suits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk, as section 54a.

The Clerk read as follows:

After line 5, on page 41, insert a new section as section 54a, as follows:

"SEC. 54a. Any suit of a local nature, at law or in equity, where the land or other subject matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject matter were wholly within the district for which such court is constituted: *Provided*, That where in any suit in which a receiver shall be appointed the land or other property of a fixed character, the subject of the suit, lies within different States, in the same judicial circuit, the receiver so appointed shall, upon giving bond as required by the court, immediately be vested with full jurisdiction and control over all the property, the subject of the suit, lying or being within such circuit; subject, however, to the approval of such order, within 30 days thereafter, by the circuit court of appeals for such circuit, or by a circuit judge thereof, after reasonable notice to adverse parties and an opportunity to be heard upon the motion for such approval; and subject, also, to the filing and entering in the district court for each district of the circuit in which any portion of the property may lie or be, within 10 days thereafter, of a duly certified copy of the bill and of the order of appointment. The failure to secure the approval of such appointment within such 30 days, or the failure to file such certified copy of the bill and order of appointment within 10 days, as herein required, shall divest such receiver of jurisdiction over all such property except that portion thereof lying or being within the State in which the suit brought. The circuit court of appeals, or the judge thereof approving such order of appointment may, at any time, for good cause shown, revoke such approval; and thereafter, unless the circuit court of appeals shall renew such order, the receiver shall thereby be divested of jurisdiction over all such property lying or being without the State in which the suit has been brought. In any case coming within the proviso to this section, in which a receiver shall be appointed and his appointment so approved, process may issue and be executed within any district of the circuit in the same manner and to the same extent as if the property were wholly within the same district; but orders affecting such property shall be entered of record in each district in which the property affected may lie or be."

Mr. WILSON of Pennsylvania. Mr. Speaker, I would like to ask the gentleman for a little further explanation of this amendment as to whether it applies only to the equity powers of the court in actual property or whether it applies to all things that have been held to be property.

Mr. MOON of Pennsylvania. It applies only to the appointment of a receiver to take physical possession of property lying in a territory covering more than one district. In other words, it is to cure the only objection that I have ever heard urged against the elimination of the circuit courts. It applies to a case where a receiver is to be appointed by a district judge covering property that runs across an entire circuit and includes a great number of districts, and it provides that the action of the district judge sitting in one circumscribed district shall be conclusive in the appointment of a receiver only to preserve the status quo, and that shall be subject to confirmation of the circuit court of appeals or a circuit judge within 30 days. It has nothing to do in the remotest sense with what the gentleman from Pennsylvania has in his mind.

Mr. WILSON of Pennsylvania. I am glad that the gentleman knows what I have in my mind.

Mr. MOON of Pennsylvania. I know perfectly well what the gentleman refers to.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Pennsylvania if there is any scheme in this bill to really separate the district courts from the circuit courts and make these judges attend to their own business and let the others attend to theirs.

Mr. MOON of Pennsylvania. In answer to that question, I will say that it has been the object of this committee to make the present judicial force do all the work of the United States courts. Now, the district court is the court of original jurisdiction in every case, and the district court judges are charged with that duty practically.

However, there may be conditions—and that was an objection urged against the bill, and properly urged from the gentleman's side of the house, I think—under which it might require the appointment of a large number of additional district judges to perform the added work imposed on the district court. Now, to avoid that, we have provided that wherever there is a circuit court judge unemployed, and the business in any particular district is too large for the district court judge to discharge, then, by a proper designation, that circuit court judge unoccupied may be compelled to go into the court of first instance and help out the district court judge.

Mr. CLARK of Missouri. How does it happen these district judges are shuffled around from one State to another, to hold court, all of the time?

Mr. MOON of Pennsylvania. Mr. Speaker, I do not think they are shuffled around. If they are, at least I do not know it. There is a provision, and always has been, that wherever the district court judge of a particular district is unable to discharge his duties because of illness or because he is interested in the suit or from any of a hundred causes, the circuit court judge of that circuit may designate a district court judge anywhere in that circuit to go and try that particular case.

Mr. CLARK of Missouri. I think about the way it runs is this: If the local district judge does not want to determine a

particular thing, or has any hesitancy about wanting to assume the responsibilities of doing a particular thing, he sends off to another State and imports a district judge to do that thing. Now, I know that when the Missouri Legislature passed a 2-cent passenger rate law no Missouri judge passed upon that law in the first place, but they sent up to Iowa and got a very estimable gentlemen, with whom I served in Congress here, to come down and break that law.

Mr. MOON of Pennsylvania. I do not think there is any possibility of curing that. The elasticity of a judicial system must depend upon the power of somebody to send a judge into a district to dispose of cases where for any reason the district court judge can not do so. Now, there is no one in the universe to whom that can more safely be intrusted than to the judiciary.

Mr. CLARK of Missouri. Does the gentleman not think it would be better to lodge that power in the Attorney General or in the President of the United States?

Mr. MOON of Pennsylvania. I do not think so. Indeed, I have very positive convictions that that would not be wise at all. It is lodged now either in the Chief Justice of the United States Supreme Court, the Supreme Justice allotted to the district, or in the hands of the senior circuit judge of the district, and it is possible for a man to get a proper appointment. It seems to me it is so wholly judicial that it would not be wise to put it in the executive arm of the Government, and indeed it would not be constitutional.

Mr. CLARK of Missouri. That is what I am complaining of; that some man who has nothing to do with the people or the legislature comes down there and sets up to nullify a law passed by the Missouri Legislature, and I suppose that it works that way all over the country. I never believed that the court had any jurisdiction in the case, and do not believe it now, and they had a 2-cent fare rate law in Iowa, and had had it for years, and nobody had called it in question. This Iowa judge came down there and took possession of the law in Missouri.

Mr. MOON of Pennsylvania. I desire to say to the gentleman if this law goes through as it is all that power is taken away from the United States court.

Mr. CULLOP. We secured an amendment which requires that the law be tested in the State courts before that can be done.

Mr. CLARK of Missouri. Is that in this bill?

Mr. CULLOP. Yes.

Mr. MOON of Pennsylvania. That is already in this bill.

Mr. SHERLEY. Mr. Speaker, the converse of the gentleman's proposition exists now. We have had illustrations of it wherein a nisi prius judge of a State declared unconstitutional a Federal law passed by Congress. Now, that is one of the almost inherent difficulties in a dual system of government and with governments of limited powers, that a court of one government may declare an act of the legislature of another government unconstitutional, and the only final arbitrament is to be had in the Supreme Court, and there is just as much reason to take away the power of the State court to declare a Federal law unconstitutional as there is to take away the power of the Federal court to declare a State law unconstitutional. I simply suggest that, because it is one of the things I think was overlooked in the debate the other day.

Mr. CLARK of Missouri. Do I understand this revised code takes away from these inferior Federal courts the power to declare a State law unconstitutional?

Mr. SHERLEY. I do not think the amendment adopted does that, but that was the intention of the amendment. The amendment adopted here the other day provided, to a certain extent, that a Federal court should not have jurisdiction to declare unconstitutional a State law until the matter had been adjudicated by the highest court of a State.

Mr. CLARK of Missouri. One more question. Does this code in any other way prevent all of these inferior courts from declaring an act of Congress unconstitutional?

Mr. SHERLEY. It does not.

Mr. CLARK of Missouri. I will ask the gentleman's opinion on this proposition, and that is if you do not think it is a very peculiar thing that a district court or even a circuit court can declare an act of Congress unconstitutional?

Mr. SHERLEY. Well, my answer to the gentleman is that the Constitution of the United States was unique in establishing the right of the judiciary to declare unconstitutional an act of the legislature, but to many students of the Constitution that has been considered as the crowning glory of that work. Now, the question of whether you should simply leave that power in the Supreme Court and in no other Federal court is a question about which men may differ both as to the wisdom and as to power.

Mr. CLARK of Missouri. Another question. Is not it true the Supreme Court first declared that it had the power to declare a law unconstitutional about a mandamus suit about justices of the peace in the District of Columbia that nobody cared anything about except five or six fellows who were trying to get those commissions as justices of the peace, and the next time the question arose the Supreme Court cited that as a precedent?

Mr. BARTLETT of Georgia. Will the gentleman permit me to interrupt him?

Mr. CLARK of Missouri. Yes.

Mr. BARTLETT of Georgia. The gentleman has reference to the case of Marbury against Madison?

Mr. CLARK of Missouri. Yes.

Mr. BARTLETT of Georgia. The Supreme Court decided it did not have jurisdiction in that case, but the Federal court in Washington would have jurisdiction, and, if I remember correctly, Mr. Jefferson criticised that and said that Chief Justice Marshall went out of his way in deciding the Supreme Court of the United States did not have original jurisdiction to try that case, but went on further and decided that the issuance of the commissions was illegal.

Mr. CLARK of Missouri. I know; but it does seem in the statement of that decision an obiter dictum that they held the United States court had the right to declare a law unconstitutional.

Mr. BARTLETT of Georgia. Yes; they did hold that.

Mr. SHERLEY. That is now established and so inherent a part of our system that nothing except a constitutional amendment could possibly dislodge it.

Mr. CLARK of Missouri. I know that everybody seems to acquiesce in the Supreme Court doing it, but here a whole raft of district judges, for instance, one at Memphis, Tenn., holding a law unconstitutional, and another in Kentucky or somewhere else holding it constitutional. They turn a prisoner loose down there because of some unconstitutionality and hold on to another in your region because it is constitutional.

Mr. SHERLEY. The reason for my statement was simply to call attention to the fact that that is a condition inherent in our dual system of government, and the converse of it is being done right along without comment or criticism here. A nisi prius court of the State of Missouri has power, and it not only has the power, but it is its duty under the law, both of the State and of the Federal Constitution, to declare an act of Congress unconstitutional if it believes so; and in the absence of reversal by a higher State court or Federal court, the mandate of that court would be enforced. So whatever objection applies one way could apply the other, and I am presenting it in order that the House may consider the converse of the gentleman's proposition.

Mr. BARTLETT of Georgia. Mr. Speaker, I move to strike out the last word. I am interested in this discussion somewhat, as I know the evil which has been suggested by the gentleman from Missouri [Mr. CLARK].

BOUNDARY LINE BETWEEN TEXAS AND NEW MEXICO.

The SPEAKER. Would the gentleman from Georgia [Mr. BARTLETT] be willing to yield at this point for the reading of a message from the President of the United States?

Mr. BARTLETT of Georgia. Certainly.

The SPEAKER accordingly laid before the House the following message from the President of the United States (H. Doc. No. 1076), which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

The constitutional convention recently held in the Territory of New Mexico has submitted for acceptance or rejection the draft of a constitution to be voted upon by the voters of the proposed new State, which contains a clause purporting to fix the boundary line between New Mexico and Texas, which may reasonably be construed to be different from the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, and under which claims might be set up and litigation instigated of an unnecessary and improper character. A joint resolution has been introduced in the House of Representatives for the purpose of authorizing the President of the United States and the State of Texas to mark the boundary lines between the State of Texas and the Territory or proposed State of New Mexico, or to reestablish and remark the boundary line heretofore established and marked; and to enact that any provision of the proposed constitution of New Mexico that in any way tends to annul or change the boundary lines between Texas and New Mexico shall be of no

force or effect. I recommend the adoption of such joint resolution.

The act of June 5, 1858 (11 Stat. L., 310)—

authorizing the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the Territories of the United States and the State of Texas—

under which a survey was made in 1859–60 by one John H. Clark, and in the act of Congress approved March 3, 1891 (26 Stat. L., 971)—

the boundary line between said public land strip and Texas, and between Texas and New Mexico, established under the act of June 5, 1858, is hereby confirmed—

and a joint resolution was passed by the legislature of Texas and became a law March 25, 1891—

confirming the location of the boundary line established by the United States commissioner between No Man's Land and Texas, and Texas and New Mexico, under the act of Congress of June 5, 1858.—(Laws of Texas, 1891, p. 193, Resolutions.)

The Committee on Indian Affairs, in its report of May 2, 1910 (No. 1250), Sixty-first Congress, second session, recommended a joint resolution, in the fourth section of which appears the following:

Provided, That the part of a line run and marked by monument along the thirty-second parallel of north latitude, and that part of the line run and marked along the one hundred and third degree of longitude west of Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, and known as the Clark lines, and that part of the line along the parallel of 36 degrees and 30 minutes of north latitude forming the north boundary of the Panhandle of Texas, and which said parts of said lines have been confirmed by acts of Congress of March 3, 1891, shall remain the true boundary lines of Texas and Oklahoma and the Territory of New Mexico: *Provided further*, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and lines where they can be found and identified.

The lines referred to in the paragraph above are the same as contained in the proposed joint resolution above referred to.

Under the act of Congress approved June 20, 1910, "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union," and so forth (36 Stat. L., 557), section 4 provided that when a constitution has been duly ratified by the people of New Mexico a certified copy of the same shall be submitted to the President of the United States; and in section 5 it provides that after certain elections shall have been held and the result certified to the President of the United States, the President shall immediately issue his proclamation, upon which the proposed State of New Mexico shall be deemed admitted by Congress into the Union by virtue of said act of June 20, 1910. The required acts have not taken place, and therefore, to all intents and purposes, the proposed State of New Mexico is still a Territory and under the control of Congress.

As the boundary line between Texas and New Mexico is established under the act of June 5, 1858, and confirmed by Congress under the act of March 3, 1891, and ratified by the State of Texas March 25, 1891, and as the Territory of New Mexico has not up to the present time fulfilled all the requirements under the act of June 20, 1910, for admission to the Union, there is no reason why the joint resolution should not be adopted as above provided, and I recommend the adoption of such resolution for the purpose of conferring indisputable authority upon the President, in conjunction with the State of Texas, to reestablish and re-mark a boundary already established and confirmed by Congress and the State of Texas.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

Mr. STEPHENS of Texas. Mr. Speaker, would it be in order to suspend the present proceedings long enough to pass the resolution referred to in the message, House joint resolution 286?

The SPEAKER. In reply to the parliamentary question, unfortunately on this day, as settled by a precedent through a majority of the House, nothing is in order except calendar Wednesday's business. The Speaker of the House must bow to the will of the majority.

Mr. STEPHENS of Texas. Could it not be done by unanimous consent?

The SPEAKER. The power of even submitting unanimous consent to the House has been taken from control of the Speaker. There are two days in each month that by righteousness have been set apart for unanimous consent in order that we may preserve our manhood and be patriots.

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

Mr. BARTLETT of Georgia. Mr. Speaker, in reference to the debate which has been had in regard to the decisions of Federal judges annulling the laws of the State, it will be recalled that Mr. Jefferson, who was probably the greatest man that this country, or probably any other country, ever produced, had very decided views upon that subject. He did not believe that the United States court had any right to decide that a State statute was unconstitutional, either as contravening the State constitution or the Federal Constitution. And I can recall letters which he wrote soon after the decision of the case of Martin *v.* Hunter's Lessees, from the State of Virginia, in which case the Supreme Court decided that the State law of Virginia violated the Constitution of the United States.

But we have gotten away from that idea, and I apprehend we will not return to it again that either the State court has not, when the question arises, the right to determine whether a law of Congress violates the Constitution of the United States or whether the Federal courts have not the power to decide a law of a State which violates the Constitution of the United States is void. That is the peculiarity of our form of government, and, I may add, the beauty of our system of government.

It should be very gratifying to the American people, especially those who believe this to be a government by law, that the American people in the November election very forcibly resented the idea that the Constitution of the United States was not to be construed by the highest court in the land, and that court, while it was subject to a proper criticism, or to a difference of opinion by the people and by lawyers, should not be the subject of an assault either upon the stump or upon the rostrum.

Now, I do not desire to further engage in any dissertation or discussion upon this subject. A Federal judge has in many cases caused opposition and indignation at times, both the Federal district judge and the Federal circuit judge, by the promptness and eagerness with which they destroyed State statutes. I simply desire to call attention to one instance, illustrative of the fact that it is not the system under which we have lived so long that is subject to attack or criticism, but the administration of that system of jurisprudence, and it is not the law which is so much at fault as it is the way in which the laws have been administered. I do not think it would be out of place to recall here an incident in the judicial history of the United States. There was a great case pending in the State of Ohio before a Federal judge, in which the question was raised as to the constitutionality of a certain tax law of that State against corporations. The Federal judge who, at the preliminary hearing tried the case on the injunction, granted the injunction and decided the law contravened the constitution of the State of Ohio. Before the case came on for final hearing the supreme court of the State of Ohio had construed that law and decided that the law did not contravene the constitution of the State of Ohio. Thereupon that judge decided that it was the duty of a Federal judge trying a case and construing the statute or constitution of a sovereign State to follow the decision of the highest court of that State in the construction of its own statutes, whether it violated the constitution of its own State or not; so he reversed himself and dissolved the injunction. Now, it is evidence of a great judge and of noble manhood for any judge to reverse himself. It would not be out of place to say that the decision attracted a great deal of attention, as well as did the man; and the judge who thus set an example for the judiciary of the United States was a man whom the people have since honored and placed in the White House as the Chief Executive of this Republic. [Applause.]

Mr. KEIFER. Mr. Speaker, I rise for the purpose of opposing the motion to strike out the last word. I understand from the discussion that has just been going on here that there is some notion somewhere that a court, Federal or State, is restricted as to its power in deciding a law, Federal or State, constitutional or not. That is a strange doctrine, if seriously believed.

Mr. SHERLEY. Nobody has advanced it.

Mr. KEIFER. It has been suggested by several Members. The United States under its Constitution is somewhat unique. It was the only country for a long time where the courts were vested with the power of deciding a law to be unconstitutional. In England no such power rests. There for a long time they construed the laws of Parliament as unassailable in the courts. Finally, they have crept up to the doctrine that those laws may be declared void or inoperative, because they were against public policy or public morals. In Germany, in some of the Provinces, they have undertaken to follow the rule of the United States and declare unconstitutional certain laws, because in conflict with the constitution.

Here, in State and Federal courts, it is the duty of every court to determine whether or not the law that it is called on to administer is constitutional or not before enforcing it. But that is only for the particular case on trial; and of course it follows that when the highest judicial tribunal of a State or of the Nation declares a law unconstitutional it becomes the

duty and it is the practice of the lower courts to regard that as settling the question.

In the Ohio case just cited by the gentleman who has just taken his seat, the Federal court followed that practice that has been followed in the Supreme Court of the United States and in other Federal courts, of giving the construction to the State laws that had been given by the highest tribunal of the State. But it was not required to do so. It might have gone through the case standing by its own opinion and have let that case go up to some superior court on appeal or by petition in error for revision. It frequently happens, however, that State and Federal courts do not concur on the constitutionality of a State law.

Mr. BENNET of New York. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Will the gentleman withdraw his point of no quorum for a minute, that a formal matter may be disposed of?

Mr. BENNET of New York. I withhold it for a moment.

EULOGIES ON THE HON. WILLIAM W. FOULKROD.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following order (No. 14).

The Clerk read as follows:

Ordered, That Sunday, the 22d day of January, at 12 o'clock, be set apart for addresses on the life, character, and public services of the Hon. WILLIAM W. FOULKROD, late a Representative from the State of Pennsylvania.

The question was taken, and the order was agreed to.

CODIFICATION OF THE LAWS RELATING TO THE JUDICIARY.

The House resumed consideration of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER. The gentleman from New York [Mr. BENNET] has made the point that no quorum is present.

Mr. BENNET of New York. I withhold the point for a few minutes.

Mr. MANN. Mr. Speaker, on a recent occasion, when this bill was up for consideration, there was some discussion in the House with reference to the payment of the expenses of judges holding court away from their homes, and I made some remarks, which I have not since read, so that I do not remember just what is in the RECORD; but I referred, evidently, to Judge Grosscup, one of the circuit judges at Chicago, who lives out at Highland Park, though I think his name was not mentioned. It had been intimated to me in Chicago that Judge Grosscup was in the habit of charging $10 a day for expenses when he went from Highland Park to Chicago to sit in the court of appeals.

I made inquiry in reference to that matter of one of the officials in the Department of Justice in Washington, and was informed that that was the fact. I had intended to verify the matter by asking Judge Grosscup before making any use of it publicly, but in the discussion evidently something was said by me on the subject, so that the judge would be identified as Judge Grosscup. I desire, in justice to him, to have the Clerk read to the House a letter sent by him to my colleague [Mr. Foss], which is read, of course, by permissoin of Mr. Foss and of Judge Grosscup, which shows that he has not been in the habit of charging $10 a day for expenses when going from Highland Park to Chicago to attend the circuit court of appeals.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE SEVENTH CIRCUIT,
Chicago, December 15, 1910.

Hon. GEORGE EDMUND FOSS,
House of Representatives, Washington, D. C.

MY DEAR MR. FOSS: My attention has been called to the CONGRESSIONAL RECORD of December 7, 1910, in which, in a colloquy in which Mr. MANN took part, the impression is likely to be left that I charge the Government $10 a day in the way of expenses for every day that I come from Highland Park to the court of appeals sessions, aggregating for the year $3,000. I believe Mr. MANN does not wish to do me an injustice. Somebody, perhaps, has misinformed him. But the way the matter stands now an injustice is done me.

The law as it stands gives me a salary of $7,000 a year and my expenses, "not to exceed $10 per day," for attendance upon the circuit court of appeals away from my residence. I believe that I earn my salary and whatever expenses the law allows me. Frequently attendance on the circuit court of appeals makes it next to impossible for me to go into the country for the night. This is especially so in the winter time. My practice has been on such occasions to charge the Government exactly what the additional expense of living is to me by reason of my being compelled to go to a hotel in town. This is what I would charge a client or any other employer, and is what, I understand, the law to mean that the Government intends to give. In the application of this rule, my expenses for the year 1908, during which the circuit court of appeals was in session 178 days—which, upon an allowance of $10 a day, would be $1,780—was $381.75. And for the year 1909, during which the court of appeals was in session 188 days—at $10 a day, $1,880—my expenses were $341.20. These figures can be verified by applying to the clerk of the court of appeals for the number of session days and to the marshal's office of this district for the payments made.

Will you kindly call Mr. MANN's attention to this and have the error corrected, if any erroneous impression has been created. Some small critics have circulated these stories here, but I have paid no attention to them. I have felt that my friends knew that my self-respect would prevent me from taking advantage of the trust of the Government in leaving to me the statement of my expenses, and that my self-respect would also prevent me from failing to take that to which I was entitled simply because small critics would make use of it against me. I am sure, however, that Mr. MANN has none of that feeling, for I was one of his constituents, have always admired his courage, and believe that he is my friend.

Very sincerely, yours, P. S. GROSSCUP.

Mr. MOON of Pennsylvania. Mr. Speaker, there is an amendment pending.

The SPEAKER pro tempore (Mr. MOORE of Pennsylvania). The question is on the amendment of the gentleman from Pennsylvania.

Mr. MACON. Mr. Speaker, I would like to have the amendment reported again.

The SPEAKER pro tempore. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 62. When any Territory is admitted as a State, and a district court is established therein, the said district court shall take cognizance of all cases which were pending and undetermined in the highest court of such Territory, from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals taken to the Supreme Court or to the circuit court of appeals, and shall proceed to hear and determine the same.

Mr. MOON of Pennsylvania. Mr. Speaker, on behalf of the committee I move an amendment on page 46, in line 24, to strike out the word "highest" and insert the word "trial," it being a misprint.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 24, strike out the word "highest" and insert in lieu thereof the word "trial."

Mr. MANN. I should like to ask the gentleman from Pennsylvania if that conforms to the existing law.

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. Is it now the trial court?

Mr. MOON of Pennsylvania. This section provides that when a new State is admitted all the pending cases shall go to the court of the State to which they belong or to the United States court, and the words "trial court" are in accordance with the existing law.

Mr. MANN. What becomes of the cases that are pending in the upper courts?

Mr. MOON of Pennsylvania. Section 60 provides for that. It is all provided for.

The amendment was agreed to.

The Clerk read as follows:

SEC. 64. Every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property, without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such manager or receiver was appointed so far as the same may be necessary to the ends of justice.

Mr. CULLOP. Mr. Speaker, referring to this language, I would like to ask the gentleman in charge of the bill a question. You provide for the case in which the receiver may sue without leave of court; have you the same provision where he may be sued?

Mr. MOON of Pennsylvania. This section provides for bringing the suit against the receiver.

The Clerk read as follows:

SEC. 66. No clerk of the district or circuit courts of the United States or their deputies shall be appointed a receiver or master in any case except where the judge of said court shall determine that special reasons exist therefor, to be assigned in the order of appointment.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 48, line 3, strike out beginning with the word "no" all of line 3, and strike out to and including the word "deputies" in line 4, and insert in lieu thereof the words "no clerk of a district court of the United States or his deputy."

Mr. KEIFER. Mr. Speaker, I desire, before a vote is taken, to know what the object of that is. I understand this is a bill to codify United States laws. Is it proposed to change the existing law?

Mr. MOON of Pennsylvania. Not at all; but the way it is printed here it is ungrammatical.

Mr. KEIFER. Is not the clerk of the circuit court now authorized the same as provided in this section?

Mr. MOON of Pennsylvania. We are not creating any circuit courts. The scheme is to leave out original jurisdiction of the

circuit courts, and therefore we have omitted all reference to the circuit court. This does not change the existing law.

Mr. KEIFER. It does not change the fact that the law authorizes circuit court judges.

Mr. MANN. There will be no clerk of the circuit court if this bill passes.

Mr. MOON of Pennsylvania. There will be no intervening circuit court if the bill passes. It takes away the original jurisdiction of the circuit courts, and that is all the jurisdiction it has since the act of 1891. It takes it all away and vests it in the district courts. Hereafter there will be no circuit court clerk at all.

Mr. KEIFER. Do you propose to vest in the district court equity jurisdiction which has been in the circuit court of the United States?

Mr. MOON of Pennsylvania. Yes; exclusive jurisdiction.

Mr. KEIFER. It has not all been vested in the circuit court.

Mr. MOON of Pennsylvania. There are several cases over which the circuit court had jurisdiction, but in reply I will say this: All existing jurisdiction at common law hereafter will be the district court and there will be no circuit court of original jurisdiction.

Mr. KEIFER. If that is the fact, then of course it would be inconsistent to leave these words in.

Mr. MOON of Pennsylvania. The other change is to correct grammatical error.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 68. The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Cullman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, Lauderdale, Marion, and Winston, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, Dekalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Fayette, Jefferson, Lamar, Shelby, and Walker, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division at Florence, on the first Mondays in February and November: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for the holding court at Gadsden shall be furnished free of expense to the Government; for the southern division at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the eastern division at Anniston on the first Mondays in May and November; and for the western division at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1909, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Chambers, Coosa, Covington, Crenshaw, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Randolph, Russell, and Tallapoosa, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; and for the southern division at Dothan, on the first Mondays in June and December. The clerk for the middle district shall maintain an office, in charge of himself or a deputy, at Dothan, which shall be open at all times for the transaction of the business of said division. The southern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the first Mondays in May and November.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 49, line 10, strike out the word "nine" and in lieu thereof insert the word "ten"; and wherever in this chapter the words "1st day of July, 1909" occur, strike out the word "nine" and insert in lieu thereof the word "ten."

Mr. MANN. Mr. Speaker, I would like to ask the gentleman the reason for making that amendment.

Mr. MOON of Pennsylvania. In order to bring it down to July, 1910, instead of July, 1909. This bill was reported more than a year ago, and at that time we were willing to bring it down to 1909. Now we have perfected it and found that it is true down to July, 1910.

Mr. MANN. Has there been any change in the delimitations?

Mr. MOON of Pennsylvania. There have been a few, but whatever there are will be submitted at various times as amendments. Practically speaking, there have been very few. There have been some new counties created, all of which will be corrected at the proper time. There is no reason why this should not be brought down to July, 1910, instead of July, 1909. We could not report it any later than 1909 at the time we reported the bill.

Mr. MANN. What I wanted to ask was whether the territory embraced in these counties had been changed between 1909 and 1910.

Mr. DOUGLAS. Some few have, and those he is going to call attention to.

Mr. MOON of Pennsylvania. None in this.

Mr. MANN. This amendment is purely for the purpose of——

Mr. MOON of Pennsylvania. Of bringing it down to date.

Mr. MANN. But it does not bring it down to date.

Mr. MOON of Pennsylvania. It brings it down to a year later.

Mr. MANN. It mentions a year later, but it does not bring it down any later. It is the same thing. That sort of change might make a difference in what was embraced in a district.

Mr. MOON of Pennsylvania. In all cases of that kind, we have the information here and propose to make the changes wherever they have been made in the district since that time.

Mr. MANN. Then I ask the gentleman generally, in reference to the division of the United States into judicial districts as provided for in this bill, whether there is any change in the bill in the territory embraced in the districts from the existing law.

Mr. MOON of Pennsylvania. Absolutely not; but I want to state this to the gentleman: We took a great deal of pains and time to ascertain what the exact boundaries of all the judicial districts were. Gentlemen will know the moment I state it that the existing law consists of amendment upon amendment, passed through a long series of years, upon the old law fixing the geographical boundaries of the divisions of the districts. Existing law defines districts in some States by the boundaries of counties that have been out of existence for 20 years. We bring it down to the exact condition of existing law and bound them by the counties now in existence, and have verified that by correspondence with the district attorneys in every judicial district, and have it, we believe, absolutely accurate. The attention of many Members of Congress has been called to these changes, and they have found them to be accurate; but, coming back to the gentleman's question, of course we have not thought of such a thing as changing the boundaries of any judicial district. It is all existing law.

Mr. MANN. Is it all existing law as to the location of the clerks and the places for holding courts?

Mr. MOON of Pennsylvania. Yes; we have changed nothing of that kind.

Mr. MANN. What really good reason is there for reenacting it, then?

Mr. MOON of Pennsylvania. This is the reason that I stated, or attempted to make, in my early statement. Let us take some of the old States, where the original boundaries of the districts were fixed in 1873. Since that time a great number of acts have been passed which have divided a particular county, for instance, a part of the county going to one district and a part to another, and in the course of time certain counties in the judicial districts have been entirely obliterated, divided up, and are no longer in existence. Now, to follow that down that long line of legislation and enact, word for word, the old law would, in the judgment of your committee, seem to be ridiculous. We fixed the geographical line exactly as it existed in the law fixing it, but described it as it exists to-day, eliminating all those various acts which have been passed.

Mr. MANN. To just reenact the old law would have been ridiculous; but what is the good of enacting this provision when you do not make any change whatever in the districts?

Mr. MOON of Pennsylvania. You must either enact the old law or enact this.

Mr. MANN. Why, the old law is the law, and you do not repeal it.

Mr. MOON of Pennsylvania. Yes; but it would be very difficult for a man to trace out the boundaries of the district, if he ever had any occasion to know what the boundaries were; and if this is adopted we shall repeal the old law.

Mr. MANN. Has any district any difficulty in knowing what its territorial limits are?

Mr. MOON of Pennsylvania. That I am not able to say; but it seems to me the gentleman's proposition is one that is unreasonable——

Mr. MANN. But I have not made any proposition. Now, I am asking for information as to why this is done.

Mr. MOON of Pennsylvania. I assumed, and I think I had a right to assume, that the question why it was necessary to codify implied the proposition that we should leave it uncodified.

Mr. MANN. Not at all. When I ask for information surely the gentleman does not assume that I am upon the other side of the case. That is a presumption I do not think the gentleman would entertain as a lawyer, though he may as a Member of Congress.

Mr. DOUGLAS. Mr. Speaker, is there any objection to reading the whole of this that follows by calling States and thus save the reading of it?

Mr. MOON of Pennsylvania. I am willing to do that if it is possible to do it.

Mr. DOUGLAS. Do it by unanimous consent.

Mr. MANN. There is no way of getting unanimous consent or to pass a bill here without reading it.

Mr. MOON of Pennsylvania. And there are certain amendments that gentlemen here are expecting to offer. There are, for instance, certain sessions of courts that are held at times that they want to change, and there are certain provisions carried in here that these gentlemen inform us are no longer necessary, and they are going to ask to strike them out.

Mr. MACON. Mr. Speaker, I move to strike out the last word.

Mr. MOON of Pennsylvania. I would ask the gentleman to withhold for a moment until I get an amendment offered. On page 50, line 17, strike out "first Mondays" and put in "second Tuesday."

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 50, line 17, strike out the words "first Mondays" and insert "second Tuesday."

Mr. MOON of Pennsylvania. And further on in the same line strike out the word "November" and insert "the third Tuesday in October."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 17, strike out the words "first Mondays" and insert in lieu thereof "the second Tuesday"; and strike out in the same line the word "November" and insert "the third Tuesday in October."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Mr. Speaker, I make the point of no quorum.

Mr. MOON of Pennsylvania. I hope the gentleman will withhold that motion.

Mr. BENNET of New York. Does the gentleman think it right that we should proceed with only 24 or 25 Members present?

Mr. MOON of Pennsylvania. I take it for granted that nearly all the gentlemen interested in this section are here. There are no changes to be made except where a particular Member requires a change in the time of holding the court.

Mr. MACON. If the gentleman will allow me, I desire to say that it is my intention to offer an amendment to the organization of the court for the eastern district of Arkansas when we reach it.

Mr. MOON of Pennsylvania. We have reached that now, I think.

Mr. MACON. We are right at it, and I am hardly prepared to offer the amendment just now, not knowing that we were going to reach it to-day.

Mr. MOON of Pennsylvania. The gentleman can have it passed by and perfect the amendment, having it pending.

Mr. BENNET of New York. I want to assist the gentleman from Arkansas [Mr. MACON] if I may, and I insist on my point.

The SPEAKER pro tempore. The gentleman from New York insists on his point of no quorum. There evidently is no quorum present. The Chair will await the will of the House.

Mr. MANN. Suppose the gentleman withdraws the point of order and let us run until half past 2 o'clock, say?

Mr. BENNET of New York. Very well. I will withdraw it, but I give notice, though, that I will renew it at half past 2 o'clock.

Mr. CARLIN. I desire to ask the gentleman from Pennsylvania [Mr. MOON] a question.

The SPEAKER pro tempore. There is no motion pending before the House.

Mr. CARLIN. I move to strike out the last word. I want to inquire whether you have reached that portion of the bill relating to the fourth circuit. I have been absent and I do not know.

Mr. MOON of Pennsylvania. No; we can not possibly reach it to-day.

Mr. MACON. Now, Mr. Speaker, I want to have an agreement with the chairman of the committee, the gentleman from Pennsylvania [Mr. MOON.]

The SPEAKER pro tempore. For what purpose does the gentleman from Arkansas rise?

Mr. MACON. I move to strike out the last word for the purpose of asking unanimous consent that section 69 of the bill be passed temporarily.

Mr. MOON of Pennsylvania. Before we pass away from section 68 I have something to say, but I have no objection at all to the proposition made by the gentleman from Arkansas.

Mr. SHERLEY. Why does the gentleman desire to have the section passed by?

Mr. MOON of Pennsylvania. For the purpose of perfecting an amendment——

Mr. MACON. I did not know that we were going to reach it to-day, and I have not perfected the amendment that I desire to offer.

Mr. MOON of Pennsylvania. I desire to say, generally, respecting the items that occur in any of these provisions for these districts in the various States, that wherever the Members of Congress or the district judge ask that a change should be made, there ought not to be any objection on the part of any other Member to effecting that change. Heretofore I have requested that the judge and the district attorney should jointly ask that the change should be made. In most instances I have requested them to notify the Department of Justice of their wishes, and wherever that has been done it is not the purpose of the committee to offer any objection to any change, feeling that the Member from that district ought to have the privilege of arranging the time of his people for holding the court.

I have no objection, therefore, to its going over.

Mr. MACON. Mr. Speaker, I withdraw the pro forma amendment.

Mr. MOON of Pennsylvania. Now, before we pass away from section 68, on page 51, in line 12, I move to strike out the word "nine" and insert the word "ten."

The SPEAKER pro tempore. The Chair would like to understand to what the gentleman from Pennsylvania consented.

Mr. MOON of Pennsylvania. That section 69 go over so that the gentleman from Arkansas [Mr. MACON] can recall it in order to offer an amendment.

The SPEAKER pro tempore. That section 69 shall go over——

Mr. MANN. After it is read.

The SPEAKER pro tempore. Is there objection?

Mr. MOON of Pennsylvania. But, Mr. Speaker, while on section 68 I have already offered an amendment on page 51, line 12, to strike out the word "nine" and insert the word "ten."

The SPEAKER pro tempore. Is there objection to the passing of section 69 without prejudice after it is read? [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. Now, recurring to section 68——

The SPEAKER pro tempore. The Chair is informed that the suggestion just made has already been provided for under the preceding paragraph.

Mr. MOON of Pennsylvania. Did you include page 51, line 12, and page 52, line 3?

The SPEAKER pro tempore. The Clerk will read the amendment that has already been adopted.

The Clerk read as follows:

On page 49, line 10, strike out the word "nine" and in lieu thereof insert the word "ten," and wherever in this chapter the words "July, 1909," occur strike out the "nine" and in lieu thereof insert "ten."

Mr. MOON of Pennsylvania. That covers it.

Mr. MANN. That may be very awkward.

Mr. MOON of Pennsylvania. No; we have gone over it very carefully.

The Clerk read as follows:

SEC. 69. The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1909, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district.

Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division at Fort Smith on the second Mondays in January and June; and for the Harrison division at Harrison on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, St. Francis, and Monroe, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, Fulton, Randolph, Lawrence, and Jackson, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Woodruff, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division at Batesville on the fourth Monday in May and the second Monday in December; and for the western division at Little Rock on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court.

Mr. MANN. That section is passed over without prejudice, is it not, Mr. Speaker? Is that the understanding at the Clerk's desk?

The SPEAKER pro tempore. The Chair is informed that the understanding is that it was passed over.

The Clerk read as follows:

SEC. 73. The State of Delaware shall constitute one judicial district, to be known as the district of Delaware. Terms of the district court shall be held at Wilmington on the second Tuesdays in January, April, June, and September.

Mr. MOON of Pennsylvania. Mr. Speaker, since reporting this bill a bill has been passed by this House altering the time for holding the United States district court in Delaware. In conformity with the change of the law, I move in line 6 to strike out the words "January" and "April" and insert the word "March."

The Clerk read as follows:

Page 56, line 6, strike out "January, April" and insert the word "March."

Mr. MOON of Pennsylvania. And on the same line strike out the word "and" at the end of the section on line 7 and insert the words "and December," so that it will read:

the district court shall be held at Wilmington on the second Tuesdays in March, June, September, and December.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 74. The State of Florida is divided into two districts, to be known as the northern and southern districts of Florida. The southern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dade, De Soto, Duval, Hamilton, Hernando, Hillsboro, Lake, Lee, Madison, Manatee, Marion, Monroe, Nassau, Orange, Osceola, Palm Beach, Pasco, Polk, Putnam, St. John, Sumter, Suwanee, St. Lucie, and Volusia. Terms of the district court for the southern district shall be held at Ocala on the third Monday in January; at Tampa on the second Monday in February; at Key West on the first Mondays in May and November; at Jacksonville on the first Monday in December; at Fernandina on the first Monday in April; and at Miami on the fourth Monday in April: *Provided*, That suitable rooms and accommodations shall be furnished for the holding of said court at Fernandina free of expense to the Government. The district court for the southern district shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction. The northern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Alachua, Calhoun, Escambia, Franklin, Gadsden, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Santa Rosa, Taylor, Wakulla, Walton, and Washington. Terms of the district court for the northern district shall be held at Tallahassee on the first Monday in February; at Pensacola on the first Monday in March; and at Gainesville on the first Mondays in May and December.

Mr. MOON of Pennsylvania. Mr. Speaker, I move, on page 56, line 23, after the word "April," to strike out the three remaining lines on that page. The words are:

Provided, That suitable rooms and accommodations shall be furnished for the holding of said court at Fernandina free of expense to the Government.

Since the report of this bill a building has been completed there by the Government, and therefore there is no longer any necessity for that stipulation.

The Clerk read as follows:

Page 56, strike out all after the word "April," in line 23, down to and including the word "Government," in line 25.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 75. The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Dawson, Fannin, Fayette, Fulton, Forsyth, Gilmer, Gwinnett, Hall, Henry, Lumpkin, Milton, Newton, Pickens, Rockdale, Spalding, Towns, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Banks, Clarke, Elbert, Franklin, Greene, Habersham, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, Rabun, Stephens, Walton, and White, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattahoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division at Athens on the second Monday in April and the first Monday in November; for the western division at Columbus on the first Mondays in May and December; and for the northwestern division at Rome on the third Mondays in May and November. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, and at Rome, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1909, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tatnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sumter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division at Augusta on the first Monday in April and the third Monday in November; for the southwestern division at Valdosta on the second Mondays in June and December; and for the Albany division at Albany on the third Mondays in June and December.

Mr. RODDENBERY. Mr. Speaker, I desire to offer an amendment to section 75.

The Clerk read as follows:

Amend section 75 by striking out the word "Thomas," in line 16, and inserting the word "Thomas" after the word "Mitchell" and before the word "Tift," on page 59, line 20.

Mr. MOON of Pennsylvania. Will the gentleman explain that?

Mr. RODDENBERY. The purpose of the amendment is to take the county of Thomas from the southwestern division of the southern district of Georgia and transfer it to the Albany division of the southern district. The county of Thomas is equally conveniently, if not more conveniently, located for railroad facilities to the Albany division as it is to the southwestern division. Besides, the terms of the court in the southwestern division conflict in date with the terms of one of the most important trial courts in the county of Thomas, to wit, the city court, the second week of which terms are concurrent with the terms of the district court for the southwestern division, which court is held at the town of Valdosta. The purpose of this amendment is to transfer Thomas County to the Albany division, for convenience in the trial of the cases and for the purpose of avoiding a conflict of the courts. Permit me to say that Thomas County is in the second district, and is the county in which I reside.

Mr. MOON of Pennsylvania. May I ask the gentleman if this change is recommended by the judge of the court or any of the officials there?

Mr. RODDENBERY. So far as I have been apprised, neither the judge nor any of the officials of the district has been consulted.

Mr. MOON of Pennsylvania. Well, does the gentleman think it good policy for us here to change the place of holding the court without consulting the judge or the officials of the district?

Mr. RODDENBERY. It is purely a matter of opinion. In this case I have no disposition to consult the judge or the district attorney and no disposition not to consult them. In other words, as I understand, the district attorney and the judge are the administrative and executive officers of the law of the United States and under the control of the Congress of the United States, which legislates and makes the laws that govern and apply both in the matter of place and time of holding the courts in those districts. As a matter of courtesy, and perhaps as a

matter of policy, that might not be objectionable. I have no personal objection to this course.

Mr. MOON of Pennsylvania. I will say to the gentleman that I am well aware of the power of Congress; but the policy of the Judiciary Committee, before whom these questions generally come, is to have the people more intimately associated with the administration of justice there, who are presumed to know more about the necessities of the change, testify before the committee or send their recommendation. It is also customary before transferring a county from one division to another to consult the Department of Justice about that. I understand the gentleman has not done any of these things, and he asks Congress to make this change. I suppose nobody here has any objection to it. Certainly I, as chairman of the committee, have no disposition to interfere with the people of the State. If they wish to transfer any county from one division to another, it is no concern of mine. I only want to know that it will not interfere with the proper distribution of business and will not be hereafter protested against by the citizens of that community.

Mr. RODDENBERY. Mr. Speaker, I have no especial reply to make to the observations of the gentleman. If there is any protest from the citizens in that district, I apprehend it will concern me as seriously as it does any other Member of Congress.

Mr. MOON of Pennsylvania. Does the gentleman state that the people of that community or county want this change made? If so, that is satisfactory to me.

Mr. RODDENBERY. Mr. Speaker, the presentation of the amendment which I have sent to the Clerk's desk is about as emphatic a statement as I could make, that in my opinion the convenience and wishes of the people in the county to be affected will be accommodated by this change.

The amendment was agreed to.

The Clerk read as follows:

SEC. 78. The State of Indiana shall constitute one judicial district, to be known as the district of Indiana. Terms of the district court shall be held at Indianapolis on the first Tuesdays in May and November; at New Albany on the first Mondays in January and July; at Evansville on the first Mondays in April and October; at Fort Wayne on the second Tuesdays in June and December; and at Hammond on the third Tuesdays in April and October. The clerk of the court shall appoint four deputy clerks, one of whom shall reside and keep his office at New Albany, one at Evansville, one at Fort Wayne, and one at Hammond. Each deputy shall keep in his office full records of all actions and proceedings of the district court held at that place. The said court at Hammond shall be held in a building to be provided for that purpose by the county or State authorities without expense to the United States.

Mr. MANN. Mr. Speaker, I move to strike out the last word. There is a provision, beginning in line 13, on page 64, that the court at Hammond shall be held in a building to be provided for that purpose by the county or State authorities without expense to the United States. Unless I am mistaken, they have a Federal building at Hammond.

Mr. MOON of Pennsylvania. I have no knowledge of that. If that is so, this ought to come out.

Mr. MANN. Is there not a Federal building at Hammond, Ind.?

Mr. COX of Indiana. I do not know. I believe there is.

Mr. MANN. Unless I am twisted in my memory—and I may be—I have been in that building. I ask unanimous consent to pass over section 78 for the present without prejudice.

Mr. MOON of Pennsylvania. That ought to come out if there is a building there.

Mr. COX of Indiana. I am under the impression that there is.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that section 78 be passed over for the present without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 79. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December; for the Cedar Rapids division at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division at Fort Dodge on the second Tuesdays in June and November; and for the western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the said date in the counties of Carroll, Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the said date in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the said date in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division at Davenport, and for the Ottumwa division at Ottumwa, twice in each year, at times to be fixed by the judge of said court, of which he shall make publication and give due notice. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions. Suitable quarters for the maintenance of said clerk's office and for holding said court at Davenport shall be furnished without expense to the United States. The clerk of the court for the southern district shall appoint a deputy, who shall reside and maintain an office at Creston. The marshal for said southern district shall also appoint a deputy, who shall reside and maintain an office at Creston.

Mr. MOON of Pennsylvania. On page 66, in line 24, after the word "Davenport," including all the remainder of that page, and down to and including the word "notice," in line 2, on page 67, I move to strike out and substitute the following.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out beginning with line 24, page 66, after the word "Davenport," down to and including the word "notice," in line 2, page 67, and insert in lieu thereof:

"On the fourth Tuesday in April and the first Tuesday in October, and for the Ottumwa division at Ottumwa on the first Monday after the fourth Tuesday in March and the first Monday after the third Tuesday in October."

Mr. MOON of Pennsylvania. The reasons for that are that the existing law authorizes the judge to fix the dates on which court shall be held at those places. For a number of years the judge has fixed those dates, and they are satisfactory to all the people in that community. Therefore they want these dates reenacted into this law.

The amendment was agreed to.

Mr. DAWSON. Mr. Speaker, I offer an amendment, on page 67, to strike out all after the word "division," in line 5, down to and including the word "States," in line 8.

The SPEAKER pro tempore. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 67, beginning with the word "suitable," in line 5, strike out down to and including the word "States," in line 8.

Mr. DAWSON. A suitable court room has been provided in a new building constructed at Davenport, so that is mere surplusage.

Mr. MOON of Pennsylvania. It ought to come out.

The amendment was agreed to.

Mr. KENDALL. I move to amend section 79 by striking out all after the word "States," in line 8, page 67.

The SPEAKER pro tempore. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 67, strike out all, beginning with the words "the clerk," in line 8, to the end of the section.

Mr. KENDALL. Mr. Speaker, I want to say that when the division was established at Creston the statute provided for the location of a deputy clerk and a deputy marshal at that place. Since then the experience of the court has demonstrated that the two deputies are unnecessary and the judge and the clerk have united in a recommendation that the offices be discontinued and the Department of Justice has approved.

Mr. MOON of Pennsylvania. It ought to come out.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read section 80.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that section 81, the next section, relating to the State of Kentucky, be passed without prejudice and without reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SHERLEY. There is no advantage in taking up the time in reading, and I want it passed so that we may investigate certain divisions in the State.

Mr. MANN. It would not be read when we return to it.

Mr. SHERLEY. Yes; it would have to be read for amendment. However, Mr. Speaker, I will withdraw the request if there is to be objection to it. Let it be read.

The Clerk read as follows:

SEC. 81. The State of Kentucky is divided into two districts, to be known as the eastern and western districts of Kentucky. The eastern district shall include the territory embraced, on the 1st day of July, 1909, in the counties of Carroll, Trimble, Henry, Shelby, Anderson, Mercer, Boyle, Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Franklin, Bourbon, Scott, Woodford, Fayette, Jessamine, Garrard, Madison, Lincoln, Rockcastle, Pulaski, Wayne, Whitley, Bell, Knox, Harlan, Laurel, Clay, Leslie, Letcher, Perry, Owsley, Jackson, Estill, Lee, Breathitt, Knott, Pike, Floyd, Magoffin, Martin, Johnson, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Powell, Menifee, Clark, Montgomery, Bath, Rowan, Lewis, Fleming, Mason, Bracken, Robertson, Nicholas, and Harrison, with the waters thereof. Terms of the district court for the eastern district shall be held at Frankfort on the second Monday in March and the fourth Monday in September; at Covington on the first Monday in April and the third Monday in October; at Richmond on the fourth Monday in April and the second Monday in November; at London on the second Monday in May and the fourth Monday in November; at Catlettsburg on the fourth Monday in May and the second Monday in December; and at Jackson on the first Monday in March and the third Monday in September: *Provided*, That suitable rooms and accommodations are furnished for holding court at Jackson free of expense to the Government until such time as a public building shall be erected there. The western district shall include the territory embraced on the 1st day of July, 1909, in the counties of Oldham, Jefferson, Spencer, Bullitt, Nelson, Washington, Marion, Larue, Taylor, Casey, Green, Adair, Russell, Clinton, Cumberland, Monroe, Metcalfe, Allen, Barren, Simpson, Logan, Warren, Butler, Hart, Edmonson, Grayson, Hardin, Meade, Breckenridge, Hancock, Daviess, Ohio, McLean, Muhlenberg, Todd, Christian, Trigg, Lyon, Caldwell, Livingston, Crittenden, Hopkins, Webster, Henderson, Union, Marshall, Calloway, McCracken, Graves, Ballard, Carlisle, Hickman, and Fulton, with the waters thereof, of which the counties of Daviess, Henderson, Union, Christian, Todd, Hopkins, Webster, McLean, Muhlenberg, Logan, Butler, Grayson, Ohio, Hancock, and Breckenridge, with the waters thereof, shall constitute the Owensboro division. Terms of the district court for the western district shall be held at Louisville on the second Mondays in March and October; at Owensboro on the first Monday in May and the fourth Monday in November; at Paducah on the third Mondays in April and November; and at Bowling Green on the third Monday in May and the second Monday in December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Frankfort, at Covington, at Richmond, at London, at Catlettsburg, and at Jackson; and the clerk for the western district shall maintain an office in charge of himself or a deputy at Louisville, at Owensboro, at Paducah, and at Bowling Green, each of which offices shall be kept open at all times for the transaction of the business of said court. The clerks of the courts for the eastern and western districts, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest to a court, and shall, immediately upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought; but these provisions are subject to the provision hereinbefore contained constituting the Owensboro division.

Mr. SHERLEY. Now, Mr. Speaker, I renew my motion that this section be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MONDELL. Mr. Speaker, I move to strike out the last word. I understand that it is the purpose of the chairman of the committee to move to adjourn at this point, and, pending the submission of that motion, I ask unanimous consent that I may address the House for 15 minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, we have recently witnessed a political landslide of somewhat unusual proportions. The biennial prognosticators of Republican disaster on the other side of this Chamber have continued on the job long enough to witness, somewhat to their surprise, the fulfillment of their prophecies.

I do not propose to attempt to analyze the causes of the recent avalanche at a time when conspicuous members of our party, intimately connected with the engulfing effects of the snowslide, with unusual self-restraint, hold their peace on the subject, and when those who ought to be qualified to judge—who are offering suggestions as to how it happened—are voicing widely divergent views.

However, without attempting to qualify as an expert, or pretending to be able to fathom the catastrophe in its most profound depths, I can not refrain from expressing, briefly, some thoughts that have arisen in my mind in connection with what might be termed one of the boisterous shallows of the storm area.

Whatever else those who gave careful study to the late tariff revision, of which we have heard something during the last campaign, may have thought of it and said about it, kindly or otherwise, there are few such who in the days of its enactment would not have unhesitatingly borne testimony to the fact that if there was any one part or portion of our country that had particular and especial reason to be abundantly satisfied with it, and with all its provisions, that portion was New England, and notably that honored and esteemed section of New England which stretches from Cape Cod to the Berkshire Hills, and includes the magnificent city of beans and culture.

The benefits to New England, and especially may we say to Massachusetts, of the late revision were so patent and conspicuous, so clear and manifest, its schedules afforded such a secure bulwark to her industries and such assurances of prosperity to her people, that it was reasonable to expect that, however much an allied newspaper trust—dissatisfied with the revision as it related to print paper—might, through the systematic dissemination of misinformation, mislead and stampede the good people of other parts of the country, the people up Massachusetts way would stand their ground in a good cause as sturdily as did their ancestors at Bunker Hill and Concord.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. My time is very short.

Mr. STEPHENS of Texas. I merely desire to ask the gentleman if he has any evidence of the fact, which he has stated to be a fact, that there is a newspaper trust in the United States. I presume that he is aware that we have an anti-trust law, and if there is a newspaper trust and he knows it it would be his duty to present evidence to the Federal courts for its prosecution.

Mr. MONDELL. When people engaged in a certain line of business all take the same view of a thing I assume that it may be regarded that mutual interests govern the position they take.

Mr. STEPHENS of Texas. Then the gentleman is not aware——

Mr. MONDELL. I beg the gentleman's pardon; I can not yield further. My time is limited.

Not that I mean to be understood as expressing the view that the Payne tariff law is so favorable to New England that it is by the same token lopsided and unfair to other portions of the country, for I am one of those who still retain the notion that, admitting that the late revision was not perfect—as no revision ever will be—it was, nevertheless and notwithstanding, the best, and the best balanced, tariff bill we have ever had, though it did not, in all its schedules, suit me. And I am optimistic enough to believe that there are many more people in the country who hold to that view now than there were before the recent election, and that the number of such will continue to steadily increase.

However, we must confess to a painful disappointment with the attitude of New England, and more particularly of Massachusetts, toward the Payne tariff as revealed in an election which resulted in the defeat in Massachusetts of one stanch congressional defendant of the same, the whittling down of sundry other congressional majorities to almost the vanishing point, and the election by a jarring majority of a Democratic governor who makes a specialty of opposing the Republican idea of a protective tariff.

Having held a high opinion of the intelligence of the people of Massachusetts as heretofore exhibited, I have been particularly anxious to find some logical explanation for what happened there so recently. In this frame of mind I was fortunate enough to read in the Washington Post an extract from a speech, or interview, of the governor-elect of Massachusetts, which threw a great flood of light on my benighted mind in illumination of the query, Why did Massachusetts spurn, or seem to spurn, the best tariff law that the country ever had, if you please, or the best tariff law that Massachusetts ever had, whether you please or not?

The governor, perhaps justifiably expanded by a series of remarkably favorable turns of the wheel of political fortune—which I assume he feels justifies him in handing out advice to the entire party of his recent adoption—during the resting spells in his arduous labor as guardian of the people of Massachusetts in the matter of the senatorship—propounds the following as a proper policy and procedure of the Democratic Party in connection with the tariff:

> The party should come out at once for a downward revision of the tariff, calling for free food products and free raw materials, with a reasonable protection to manufacturing interests, coupled with a large degree of reciprocity.

This astounding doctrine of tariff sectionalism having proceeded along the lines of elimination sufficiently to exclude all

the American people, except the fortunate dwellers in manufacturing communities, from the benefits of the tariff, need go but one step further by the establishment of free-trade hours of labor and rate of wages to make it, by the elimination of the laboring people of manufacturing districts from tariff benefits, the ideal philosophy of the manufacturing class, to which I understand the governor belongs.

What an altogether lovely and pleasing prospect it is that the new governor presents to the good people of Massachusetts! What halcyon days might be theirs! What an existence of unalloyed delights they might enjoy in the fulfillment of this Elysian dream! What a pity to take from the halls of Congress and immure in the gubernatorial chair a champion whose imagination could conjure up and whose persuasive eloquence might be expected to secure for Massachusetts, if it continued to reverberate through these halls, that elastic condition he promises under which her people might be expected to enjoy all the fabled blessings of the philosopher's stone; the privilege of turning their mill wheels "with the waters that have passed;" the discovery and monopoly of perpetual motion; the blessing of eating their cake and also retaining it in the larder; the opportunity of assuming the rôle of Dives while the balance of us cheerfully played the part of a thankful though ragged Lazarus. [Laughter.]

Surely, the governor should have a seat in perpetuity in the House or Senate, or both, from which to chloroform the representatives of the American people into acquiescence with his "progressive" program. Anyone who is so unreasonable as to stand in the way of its fulfillment should be elbowed off the earth.

The governor's pronouncement is so simple and so clear that it is almost a waste of time to analyze it. But perhaps it is worth our while to briefly examine some of its choicest and most alluring features, as, if the governor's portion of the Democracy is to have its way, it gives us a foretaste of the delights that are in store for us.

First, the governor wants free raw material. We now have free hides, thanks to the insistence of Massachusetts, resulting in the loss of several millions annually to the Treasury. What is proposed is, I assume, free coal, free lumber, free wool, free meats, free cattle, free agricultural products of all sorts and kinds; no tariff protection for any of the products of the farm or ranch, the mine or the forest. The fact that this would mean the loss of all the tariff protection now enjoyed by a considerable majority of the American people does not, of course, disturb the equanimity or the post-election satisfaction of the governor, or those in Massachusetts who agree with him.

That the carrying out of such a policy would send about nine-tenths of the Members of Congress home from a revision session as empty handed as the sack holder in a midnight snipe hunt is a fact that does not, up to this time, seem to have disturbed the pipe dreams of the gentlemen who take that view. It may take them some time to wake up. [Laughter.]

But this is only a part of the program, though a very lovely part of it from a Massachusetts Democratic point of view, but it is not all of the juicy feast by any means. It is true that it would involve an invitation to many American miners and their families to toast their shins over last year's fires and live on the hope of next year's wages; it would present a picture of western cattle and sheep ranges growing rank with unused grasses and vocal with the voice of the coyote roaming through abandoned farms and ranches. It would even make more room for forest conservation in the further abandonment of farms, possibly some of them right in Massachusetts. But why worry about the American farmer and stockman if you live in Massachusetts and want your provisions cheap and raw materials free? [Laughter.]

The governor also wants a little dash of reciprocity. Just what we would have left with which to reciprocate after coal, lumber, fish, and agricultural and ranch products were all admitted free is not clear to my benighted mind, but I take it that those who have progressed sufficiently to advocate this kind of a Democratic tariff revision assume that if they can fool the American people into accepting the lopsided tariff plan they propose there will be no difficulty in flimflamming foreigners into agreeing to reciprocity with the Massachusetts end of the reciprocation amputated. I am inclined to think that is altogether likely.

Mr. MARTIN of South Dakota. Will the gentleman permit an interruption at that point?

Mr. MONDELL. I have but a moment. I would be delighted to yield, but I am sorry I have not the time.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. MARTIN of South Dakota. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended for 10 minutes.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the gentleman's time may be extended for 10 minutes——

Mr. SHERLEY. Pending the request I would like to inquire if the gentleman from Pennsylvania [Mr. MOON] at the expiration of that time proposes to begin the reading of the bill.

Mr. MOON of Pennsylvania. Oh, no; I propose to move an adjournment.

Mr. SHERLEY. I shall not object, then.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of South Dakota. Will the gentleman now permit me a question?

Mr. MONDELL. I will, with pleasure.

Mr. MARTIN of South Dakota. I suppose under the new economic definition proposed raw material will be whatever Massachusetts may be compelled to buy, and the finished product will be whatever Massachusetts has to sell.

Mr. MONDELL. The gentleman has analyzed it perfectly. [Laughter.]

But the crowning and altogether glorious feature of the new Democratic program, as proclaimed from Massachusetts, is that which declares for "reasonable" protection to manufactured articles. This part of the program is, of course, absolutely essential to the completion of the picture of a perfect Democratic Massachusetts tariff system—free trade on everything you buy and a good, juicy tariff on everything you sell. Perfectly lovely, is it not? Hear the call of Democracy as voiced by the governor of Massachusetts! "Come on, West Virginia, Pennsylvania, Ohio, Colorado, and Wyoming, with your coal which you shall mine in competition with the world; Washington, Oregon, and all the sunny South, send on your wealth of lumber products in competition with all comers; Ohio, Indiana, Illinois, and all the western plains, bring us your flocks and herds and their hides and fleeces; we will take them if they are cheaper than the products of Australia and Argentina and Mexico. And all the farmers in all our borders, send on your wealth of grain and riches of butter, eggs, and poultry; pour them into our gracious lap, and for such as you will sell cheaper than foreigners we promise you the products of our numberless mills and factories at prices fixed by 'beneficent combinations' under the protection of what we deem a 'reasonable' tariff."

Perhaps you do not take the gentleman from Massachusetts seriously. It requires the eclipse of one's sense of humor to accomplish it, but perhaps we must, as his is the first and only Democratic announcement of tariff policy since the election. Until it is repudiated it stands as the party declaration, and, furthermore, it is in harmony with Democratic Party practice. Why did the gentleman from Massachusetts leave the Republican Party? By his own statement, because our party would not tolerate a sectional tariff policy. [Applause on Republican side.] All Republicans who get along without prefixes to the name insist upon a tariff policy which shall be equally fair to all industries and all sections, and whenever a member of the party gets to wobbling on that point he either has to qualify his Republicanism or go over to the Democracy.

It is true that there are other men in the Democratic Party besides the gentleman fom Massachusetts who believe, as he does, in a limping, hobble-skirted, lopsided protection, and the character of the limp and form of the hobble depends on the particular product of their region which needs protection and the amount they can get without granting protection elsewhere. So the gentleman from Massachusetts is fully justified in making his hobble-skirted tariff announcement as a Democrat. The only difficulty will be that there will be so many different fashions in Democratic tariff hobble skirts that it will be mighty hard for the brethren to agree which is the real thing.

The agitation of the tariff since the passage of the Payne bill convinces me that we must have some official medium through which all obtainable information relative to the tariff can be secured. Unfortunately, there are a large number of people in our country whose interest and inclination it has been to disseminate misinformation relative to the tariff and its effects. A mass of information can be accumulated by a permanent tariff commission which will not only be valuable in revising the tariff, but also in informing the people as to the effect of tariff schedules. Therefore I am for a permanent tariff commission.

I am not one of those who believe that the creation of such a commission would take the tariff out of politics or lead to the

"automatic scientific" adjustment of tariff schedules of which we hear so much. Tariff is not an exact science and it is a political question. With all the facts in the world relating to the tariff easily available, I should still be at as great variance as I am now with the narrow, provincial, selfish, sectional policy outlined in the only Democratic tariff announcement we have heard since election.

The tariff question is, more than any other before the American people, one that must be settled in a spirit of unselfishness, in a spirit of mutual concession and of fair play. So long as men in and out of public life imagine they can advance their personal and political fortunes by striving for and insisting upon a tariff policy which will appeal wholly to selfishness, and strive for benefits to themselves, their industries, or their sections, without regard to the needs of other sections of the country, we shall have turmoil and unrest.

I believe that the facts carefully gathered by a permanent tariff commission will render the occupation of tariff misrepresentation less profitable, politically and otherwise, will enable us to legislate intelligently, and will give those of us who believe in the policy of protection to American labor and industries unanswerable arguments in support of our views. I never expect to ask for tariff protection that is not needed to maintain an American wage and support American industries. I shall always stand for the protection necessary to accomplish these objects, and I welcome the facts which a commission could assemble as invaluable aids to the maintenance of the protective policy. [Loud applause.]

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 53 minutes p. m.) the House adjourned to meet again on Thursday, January 5, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting the twenty-fourth annual report (H. Doc. No. 1168); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a statement of the travel of officers and employees of the department during the fiscal year ended June 30, 1910 (H. Doc. No. 1224) to the Committee on Expenditures in the Navy Department and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting proposed legislation authorizing the payment of customs duties and internal revenue by certified checks on national banks (H. Doc. No. 1225); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RODENBERG, from the Committee on Industrial Arts and Expositions, to which was referred the bill of the House (H. R. 29503) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913, in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812, reported the same with amendment, accompanied by a report (No. 1804), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 243) extending the time for certain homesteaders to establish residence upon their lands, reported the same with amendment, accompanied by a report (No. 1803), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 1802), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6736) for the relief of Parker Burnham, reported the same adversely, accompanied by a report (No. 1805), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 11358) for the relief of J. H. Cole, reported the same adversely, accompanied by a report (No. 1806), which said bill and report were laid on the table.

Mr. MORGAN of Oklahoma, from the Committee on Claims, to which was referred the bill of the House (H. R. 12815) for the relief of James Baxter, of Minatare, Nebr., reported the same adversely, accompanied by a report (No. 1807), which said bill and report were laid on the table.

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 13754) for the relief of H. C. Chase, reported the same adversely, accompanied by a report (No. 1808), which said bill and report were laid on the table.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 14357) for the relief of the heirs of H. M. Carpenter, deceased, reported the same adversely, accompanied by a report (No. 1809), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 15558) for the relief of Morris Bretzfelder, of Wilmington, N. C., reported the same adversely, accompanied by a report (No. 1810), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12636) for the relief of Matthew Bigger; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 29661) to authorize the Secretary of War to reconvey a strip of land in Hamilton County, Tenn., to N. C. Steele; Committee on the Public Lands discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 419) granting an increase of pension to Thomas Hurney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10849) granting an increase of pension to Rachel I. Holloway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURLEIGH: A bill (H. R. 30136) to provide for the purchase of a site and the erection of a public building thereon at Fairfield, Me.; to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK: A bill (H. R. 30137) to authorize the exchange of the new Federal building site in Augusta, Ga., for certain land owned by the city of Augusta and for the sale of the old post-office property in said city; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 30138) providing for the establishment of a system of local parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ROTHERMEL: A bill (H. R. 30139) to increase the limit of cost for the enlargement of the Federal building at Reading, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: A bill (H. R. 30140) to provide for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. CAMERON: A bill (H. R. 30141) to authorize and empower special road district No. 3 of Maricopa County, Arizona Territory, to issue its bonds in the sum of $150,000 for the purpose of providing a fund for the construction and maintenance

of roads, driveways, and highways within the boundaries of said special road district No. 3; to the Committee on the Territories.

Also, a bill (H. R. 30142) to enable the city of Phoenix, in Maricopa County, Arizona Territory, to issue its bonds for the purpose of constructing buildings for the housing of its fire department, equipping its fire department, and constructing and installing a fire-alarm system in said city; to the Committee on the Territories.

By Mr. STEPHENS of Texas: A bill (H. R. 30143) to limit the jurisdiction of the district and circuit courts of the United States; to the Committee on the Judiciary.

By Mr. COWLES: A bill (H. R. 30144) to provide for the erection of a public building at Lenoir, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. HOLLINGSWORTH (by request): A bill (H. R. 30145) providing for the purchase of a site and the erection of a public building at Cadiz, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 30146) providing for the purchase of a site and the erection of a public building at Martins Ferry, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 30147) providing for the purchase of a site and the erection of a public building at Barnesville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 30148) to authorize cities and incorporated towns to purchase coal lands; to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 30149) to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department for the use of the Revenue-Cutter Service; to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Resolution (H. Res. 882) relative to the consideration of the bill H. R. 29346; to the Committee on Rules.

By Mr. HITCHCOCK: Resolution (H. Res. 883) for considering reports of the joint committee for investigation of the Department of the Interior and Bureau of Forestry in the Agricultural Department; to the Committee on Rules.

Also, concurrent resolution (H. Con. Res. 56) requesting the President to suspend department action looking to the transfer of coal lands in Alaska and to the issuance of patents for same; to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: Joint memorial of the Seventeenth General Assembly of the State of Colorado, petitioning Congress for the passage of pension bill for the relief of the Indian War veterans; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 30150) granting an increase of pension to John Redd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30151) granting an increase of pension to Harris W. Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30152) granting an increase of pension to Charles D. Beman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30153) granting an increase of pension to Charles C. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30154) granting an increase of pension to John F. Stallsmith; to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 30155) donating 300,000 acres of land to the Christian Brothers, of St. Louis Province, in New Mexico, to be held in trust by them for the establishment of a manual training school for the youth of New Mexico; to the Committee on the Territories.

By Mr. ASHBROOK: A bill (H. R. 30156) granting an increase of pension to Jacob L. W. Kalp; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 30157) granting a pension to Daniel R. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30158) granting an increase of pension to Andrew J. Sanders; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 30159) authorizing the cancellation of the Indian allotment of Peter Rousseau; to the Committee on the Public Lands.

By Mr. CALDERHEAD: A bill (H. R. 30160) for the relief of John Lee, alias James Riley; to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 30161) granting an increase of pension to Andrew P. Johnson; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 30162) granting an increase of pension to Henry Rush; to the Committee on Pensions.

Also, a bill (H. R. 30163) granting an increase of pension to Clarence R. Taft; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 30164) granting an increase of pension to Charles F. Kimmel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30165) granting an increase of pension to Alexander Hanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30166) granting an increase of pension to Charles M. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30167) granting an increase of pension to W. A. Danner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30168) granting an increase of pension to Daniel T. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30169) granting an increase of pension to George H. Hutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30170) granting an increase of pension to Sam Mars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30171) granting an increase of pension to Julius R. Brace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30172) granting an increase of pension to Richard Parks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30173) granting an increase of pension to Philip Leveline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30174) granting an increase of pension to Joseph Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30175) granting an increase of pension to Sim Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30176) granting an increase of pension to Daniel F. Doty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30177) granting an increase of pension to William F. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30178) granting an increase of pension to William Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30179) granting a pension to Mary A. Chambers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30180) granting a pension to V. W. Ochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30181) granting a pension to John C. Ferneding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30182) granting a pension to Ollie Philips; to the Committee on Pensions.

Also, a bill (H. R. 30183) granting a pension to Joseph Turner; to the Committee on Pensions.

Also, a bill (H. R. 30184) granting a pension to Fenton B. King; to the Committee on Pensions.

Also, a bill (H. R. 30185) granting a pension to George W. Krug, alias King; to the Committee on Pensions.

Also, a bill (H. R. 30186) to remove the charge of desertion against Michael Eicher; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 30187) granting an increase of pension to William Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30188) granting an increase of pension to Heinrich Weisheit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30189) to correct the military record of Noah Rickard; to the Committee on Military Affairs.

Also, a bill (H. R. 30190) to correct the military record of William Songer; to the Committee on Military Affairs.

Also, a bill (H. R. 30191) for the relief of the estate of Louise Muelchi; to the Committee on Claims.

By Mr. DAVIS: A bill (H. R. 30192) granting an increase of pension to John S. Howard; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 30193) granting an increase of pension to William H. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30194) granting an increase of pension to William L. Wayt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30195) granting an increase of pension to Balser Kirsch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30196) granting an increase of pension to Alonzo King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30197) granting an increase of pension to William Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30198) granting an increase of pension to William G. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30199) granting an increase of pension to Jacob L. Hinkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30200) granting an increase of pension to Thomas F. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30201) granting an increase of pension to William S. Leeds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30202) granting an increase of pension to George W. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30203) granting an increase of pension to Abner S. Kellenberger; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 30204) granting a pension to Emma Rosa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30205) granting an increase of pension to Henry E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30206) granting an increase of pension to Patrick Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30207) granting an increase of pension to John C. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30208), granting an increase of pension to James M. Wellar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30209) granting an increase of pension to Amos C. Giltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30210) granting an increase of pension to Marshall S. Taft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30211) granting an increase of pension to Mathew Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30212) granting an increase of pension to Marion N. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30213) granting an increase of pension to Gabriel L. Mullock; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 30214) granting a pension to Amandus Modahl; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 30215) for the relief of W. H. H. Carrigan; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 30216) granting an increase of pension to John McCormick; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 30217) granting an increase of pension to William Sills; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 30218) for the relief of James L. Pierce; to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 30219) granting a pension to James Henry Martineau; to the Committee on Pensions.

By Mr. HUBBARD of Iowa: A bill (H. R. 30220) granting an increase of pension to Willard H. Eaton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30221) granting an increase of pension to Bazel D. Battin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30222) granting an increase of pension to Samuel H. Dunkleberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30223) granting an increase of pension to Jasper N. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30224) granting an increase of pension to John A. Burns; to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 30225) granting an increase of pension to William M. Goudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30226) granting an increase of pension to Bernard F. Morrow; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 30227) granting a pension to Charles Alpers; to the Committee on Pensions.

Also, a bill (H. R. 30228) granting an increase of pension to Carrie W. Dibble; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 30229) granting an increase of pension to Solomon D. Silvis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30230) granting an increase of pension to Benjamin Lawhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30231) granting an increase of pension to George J. Hetrick; to the Committee on Invalid Pensions.

By Mr. LUNDIN. A bill (H. R. 30232) for the relief of Katie O'Brien; to the Committee on Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 30233) granting an increase of pension to Joseph H. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30234) granting an increase of pension to J. V. Admire; to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 30235) granting an increase of pension to John N. Snyder; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 30236) granting an increase of pension to Sylvester W. Sutton; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 30237) granting an increase of pension to Alexander Bevins; to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 30238) granting an increase of pension to David T. McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30239) granting an increase of pension to Nicholas Dittmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30240) granting an increase of pension to Herbert Whitworth; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 30241) granting an increase of pension to William J. Teed; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 30242) granting a pension to Ellen J. Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30243) granting an increase of pension to Edward D. Lashley; to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 30244) granting an increase of pension to John H. Mahan; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 30245) granting a pension to Kate G. Stackhouse; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 30246) for the relief of Gaton A. Settles; to the Committee on Military Affairs.

Also, a bill (H. R. 30247) for the relief of George W. Kiger; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 30248) granting an increase of pension to Henry Muntz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30249) granting an increase of pension to Joseph Collett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30250) granting an increase of pension to Armstead Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30251) granting an increase of pension to Morgan T. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30252) granting an increase of pension to Abraham Bridenstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30253) granting an increase of pension to Levi B. Wightman; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 30254) granting an increase of pension to Alonzo D. Stoddard; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 30255) for the relief of Patrick H. Murphy; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 30256) for the relief of William H. Hardin; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 30257) granting an increase of pension to Warren G. Gray; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 30258) granting an increase of pension to William F. Heiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30259) granting an increase of pension to Henry Doll; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 30260) granting an increase of pension to Lucy A. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30261) granting an increase of pension to Catharine Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30262) granting an increase of pension to Susan Keenan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30263) granting an increase of pension to Joanna McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30264) granting an increase of pension to Charles L. Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30265) granting an increase of pension to William H. Bean; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 30266) for the relief of the heirs of George A. Bush, deceased; to the Committee on War Claims.

By Mr. SIMMONS: A bill (H. R. 30267) granting an increase of pension to William Empson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30268) granting an increase of pension to M. Darwin Williams; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 30269) granting an increase of pension to Samuel Haines; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 30270) granting an increase of pension to William G. Hopkins; to the Committee on Invalid Pensions.

By Mr. TENER: A bill (H. R. 30271) granting an increase of pension to James H. Springer; to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 30272) for the relief of Charles A. Thomas; to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM: A bill (H. R. 30274) granting an increase of pension to Isaac Spicher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30275) granting an increase of pension to Alexander Cameron; to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 30276) to amend the record of Frederick W. Duncker; to the Committee on Military Affairs.

By Mr. WOODS of Iowa: A bill (H. R. 30277) granting a pension to T. J. Shropshier; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 30278) granting an increase of pension to Israel Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 30279) granting an increase of pension to William Jenness; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of L. M. Gable and others, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of John D. Smith, for the dollar-a-day pension bill; to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of C. R. McCullough & Co., of Fremont, Ohio, against a rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of D. R. Raiser, of Tiffin, Ohio, for a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of many citizens of Ohio, against rural parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petitions of Lew Bowker Post, No. 725, Grand Army of the Republic, of Farmer, Ohio, and Daniel Miller Post, No. 78, Grand Army of the Republic, of Leipsig, Ohio, for amendment to the age pension act; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of George A. O'Brien and others, merchants of Dennison, Ohio, and Tuttles & Sellers, hardware merchants, of Creston, Ohio, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Hamilton Post, No. 311, Grand Army of the Republic, of Gratiot, Ohio, for amendment of the age pension act; to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of Ormsby Lodge, No. 465, Brotherhood of Locomotive Engineers, for repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of officers of the Second Brigade Staff and officers of the Eighteenth Regiment National Guard of Pennsylvania, for bill favoring payment of the militia; to the Committee on Militia.

By Mr. BARTLETT of Georgia: Petition of Capt. U. S. Porch and others, of Forsyth, Ga.; Capt. W. W. Beck, Maj. M. J. Daniels, J. E. Howard, Ray Franklin, and others, of Barnesville, Ga., for the militia pay bill; to the Committee on Militia.

By Mr. BURKE of South Dakota: Petition of Business Men's League of Fort Pierre, S. Dak., praying that the Panama Exposition may be located in New Orleans, La.; to the Committee on Industrial Arts and Expositions.

By Mr. CARY: Petition of Coopers' International Union of North America, Local No. 35, for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. CHAPMAN: Petition of citizens of Illinois, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Pennsylvania: Petition of Dunkard (Pa.) Grange, No. 1438, for amendment of the oleomargarine law; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of Hoernel Hardware Co., of Racine, residents of Monroe, and citizens of Brodhead and Genoa Junction, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. COX of Indiana: Petition of citizens of Indiana, favoring New Orleans for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. DAWSON: Petition of citizens of Iowa, against rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. DIXON of Indiana: Petition of citizens of Aurora, Ind., favoring the dollar-a-day pension bill; to the Committee on Invalid Pensions.

By Mr. ESCH: Paper to accompany bill for relief of Amandus Modahl; to the Committee on Pensions.

By Mr. FOCHT: Papers to accompany bill for relief of Alfred Clelan, W. H. H. Carrigan, and Joseph Long; to the Committee on Invalid Pensions.

By Mr. FOSS of Illinois: Petition of Speelman Bros. Co., for repeal of the duty on barley; to the Committee on Ways and Means.

By Mr. FULLER: Petition of A. W. King, Sycamore, Ill., against rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Forest City Furniture Co., of Rockford, Ill., praying that the World's Panama Exposition may be located at San Francisco, Cal.; to the Committee on Industrial Arts and Expositions.

Also, paper to accompany bill for relief of John McCormick; to the Committee on Invalid Pensions.

By Mr. GARNER of Texas: Petition of citizens of Texas, against any parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of officers of the Second Brigade staff and the Eighteenth Regiment Infantry, National Guard of Pennsylvania, for the Penrose bill providing payment of the national guard for their services; to the Committee on Militia.

By Mr. GRIEST: Petition of citizens of Columbia, Marietta, and Elizabethtown, Pa., for favorable action on Senate bill 3776, for regulation of express companies by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: Petition of citizens of Van Buren County, Mich., for legislation for retirement of members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Petition of J. C. Thorne and five others, of Jeffers, Minn., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, for passage of the bill (H. R. 26791) known as the Hanna bill, for increase of pay to rural post-office carriers; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of fruit growers of California, for stricter quarantine laws against fruit-tree pests, notably the Mediterranean fruit fly; to the Committee on Agriculture.

Also, petition of California State Fruit Growers' Association, for a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of California State Fruit Growers' Annual Convention, urging necessity of protection of agriculture in California and discontinuance of free seed distribution; to the Committee on Agriculture.

Also, petition of board of directors of the Merchants' Association of San Francisco, Cal., for appropriation to improve channel to the Mare Island Navy Yard; to the Committee on Rivers and Harbors.

Also, petition of Companies B and M, Fifth Infantry, National Guard of California, for reasonable payment for services of the national guard; to the Committee on Militia.

By Mr. HOLLINGSWORTH: Petition of W. H. McNeal & Co., of Flushing; W. C. Yeagley, New Somers; and T. S. Beatty, Piedmont, all in the State of Ohio, protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of McAllister Post, Grand Army of the Republic, of Carrollton, Ohio, for increase of age pension; to the Committee on Invalid Pensions.

Also, petition of W. P. Richardson Post, Grand Army of the Republic, of Woodfield, Ohio, favoring increase of age pension; to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of The Wednesday Morning Club, of Crawford, N. J., favoring investigation of causes of diseases arising from dairy products; to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of City Council of Utah, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of Order of the Knights of Labor, for immediate revision of the tariff; to the Committee on Ways and Means.

By Mr. HUBBARD of West Virginia: Papers to accompany bill for relief of Elisha M. Darling, Charles E. Winkler Walters, and James W. Hollandsworth; to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Worth Grange No. 1421, Slippery Rock, Pa., for Senate bill 5842, oleomargarine-law amendment; to the Committee on Agriculture

By Mr. KENDALL: Petition of citizens of Farson, Iowa, against a local parcels post; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of John J. Chance; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: Petition of citizens of Iowa, against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of Elerich & Thompson and others, of Oateville; E. C. Barbour, N. C. Roberts, and others, of Fort Madison; and L. Dodd, of Marsh, all in the State of Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Cigar Makers' Union No. 242, York, Pa., for repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. McKINNEY: Petition of Grimley & Simmons, Swan Creek, Ill., against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Paper to accompany bill for relief of Alex Bevins; to the Committee on Invalid Pensions.

Also, petitions of McDonald Bros., of Greenleaf; Nelson Hawkins & Son, of Imlay City; and H. E. Rivard and five other business firms of Warren, all in the State of Michigan, protesting against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska retailers, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Chicago Grocers and Butchers' Association, favoring amendment of the oleomargarine law (S. 5842); to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Mount Vernon Ladies' Association of the Union, against building a criminal reformatory near Mount Vernon; to the Committee on the District of Columbia.

Also, petition of George Oldham & Son Co., favoring New Orleans for Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Y. O. Bartholomew, of Wincoe, Pa., for Federal automobile registration law (H. R. 5176); to the Committee on Interstate and Foreign Commerce.

Also, petition of Consumers' League of Philadelphia, for a children's Federal bureau; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. PLUMLEY: Paper to accompany bill for relief of Alfred E. Ames; to the Committee on Pensions.

By Mr. ROTHERMEL: Petition of citizens of the thirteenth congressional district of Pennsylvania, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of William Pearsons and Wilson F. Kaufman, for Grange No. 963, Patrons of Husbandry, for amendment of law on oleomargarine (S. 5842); to the Committee on Agriculture.

By Mr. SHEFFIELD: Papers to accompany bills for relief of William H. Bean, Mary A. Bowen, Catharine Johnson, Susan Keenan, Oscar Keeth, and Joanna McCarthy; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Mount Vernon Ladies' Association of the Union, against placing a criminal reformatory near Mount Vernon; to the Committee on the District of Columbia.

By Mr. TOU VELLE: Petition of the Hoover Housh Co., of Lima, Ohio, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petition of Marshall (Mich.) Post, Grand Army of the Republic, for amendment of the age pension act; to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Edward T. Buckman, master, and Emma F. Smith, secretary, on behalf of Pineville Grange, No. 507, Patrons of Husbandry, of Buckmanville, Bucks County, Pa., for the passage of Senate bill 5842 and House bill relating to oleomargarine; to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Wednesday Morning Club, of Cranford, N. J., asking for purity in dairy products and repeal of tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Mount Vernon Ladies' Association of the Union, against building a criminal reformatory for the District of Columbia near Mount Vernon; to the Committee on the District of Columbia.

Also, petition of Milton Labaw, of Somerville, N. J., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *January 5, 1911.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who compassest our path and our lying down and art acquainted with all our ways, Thou knowest the sorrow of our heart, as also the frailty of our nature. But for the assurance of Thy grace, how could we endure the vicissitudes of life? Thanks be to Thee, our Father, that Thy love abides through every change. Thou hast given and Thou hast taken away; blessed be Thy name.

We remember before Thee him whom Thou hast called from our midst. Lighten the sorrows of our hearts, we pray Thee, and be with those against whose lips this cup of grief is most closely pressed. Uphold us by Thy holy spirit, and grant that neither life with its burden nor death with its sorrow may separate us from Thee, who art our God and our Saviour.

And unto Thee, who art able to keep us from falling, and to present us before Thy presence without fault in exceeding joy, be glory on earth and in heaven, now and forevermore. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Wednesday, December 21, 1910, when, on request of Mr. LODGE, and by unanimous consent, the further reading of the Journal was dispensed with, and it was approved.

ADJOURNMENT TO MONDAY.

Mr. LODGE. Mr. President, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

DEATH OF SENATOR STEPHEN B. ELKINS.

Mr. SCOTT. Mr. President, it becomes my painful duty to announce to the Senate the death of my colleague, the Hon. STEPHEN B. ELKINS, which occurred at his residence in this city at 12 o'clock last night. After a long and serious illness, making a brave fight for his life, as he always had fought bravely for the principles that he believed to be right, he has answered to the roll call on the other side.

To me, Mr. President, his death brings deep personal sorrow and the country suffers a great loss. West Virginia especially has suffered one of the severest blows with which she could possibly have been inflicted.

At some future time, Mr. President, I shall ask the Senate to pay fitting tribute to his memory. At this time I offer the following resolutions and ask for their present consideration.

The VICE PRESIDENT. The Senator from West Virginia offers the following resolutions (S. Res. 313), which will be read.

The resolutions were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. STEPHEN BENTON ELKINS, late a Senator from the State of West Virginia.

Resolved, That a committee of 17 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. ELKINS.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Elkins, W. Va., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

The VICE PRESIDENT appointed as the committee, under the second resolution, Mr. SCOTT, Mr. HALE, Mr. FRYE, Mr. ALDRICH, Mr. CULLOM, Mr. GALLINGER, Mr. LODGE, Mr. BACON, Mr. TILLMAN, Mr. KEAN, Mr. BAILEY, Mr. FOSTER, Mr. STONE, Mr. CRANE, Mr. CARTER, Mr. SMITH of Maryland, and Mr. ROOT.

Mr. SCOTT. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, January 9, 1911, at 12 o'clock meridian.